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ABSTRACT

This monograph is an effort to develop a series of models for diverting children and youth away from juvenile courts, so that their problems which otherwise would be dealt with in a context of delinquency and official action will be defined and handled by other means. It is premised on the idea that an excessive number of children are being processed by and unnecessarily referred to juvenile courts, that the harm done by contacts with these courts far outweighs any benefits gained, and that the contacts often exacerbate the problem of delinquency. The approach to delinquency should be one of control rather than one of treatment and prevention. Models designed to divert problem children from juvenile courts include: (1) the school model, which, besides the family, is a major socializing agency in society and therefore, a prime institutional focus for defining and channeling child and youth problems, (2) the welfare model, which completely replaces or functions in lieu of a juvenile court, (3) the law enforcement model, which consists of specialized organization, practices, and techniques used to adjust problems of juveniles without court action, and (4) the community organization model, which brings the other three models together. Each of the models is described in the monograph. (SB)

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crime and delinquency issues

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CRIME AND DELINQUENCY ISSUES:

A Monograph Series

Instead of Court

Diversion in Juvenile Justice

by

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Foreword

When Illinois established the first juvenile court in the world in 1899, expectations for its performance were high. It gave to juvenile delinquency a status of something less than crime. Youthful deviance defined as delinquency was to be treated correctively, not by punishment. Stimulated by the promise of the Illinois action, the various States in the Union established juvenile courts rapidly. By 1945 every State had enacted legislation providing for such courts. The Federal Government had also passed a Juvenile Court Act, in 1938, under which children and youth committing Federal offenses could be handled in special courts.

The juvenile courts, however, were plagued from the start with the inability to define their goals, procedures, and jurisdictional coverage. In addition, most of the courts were forced to operate without adequate personnel and services. Thus, decisions about children were made without adequate information; the dispositional alternatives available to the courts fell short of the services necessary to help children adequately; children placed on probation went without probation supervision and help; and medical, psychological, and other forms of remedial assistance also were generally not available. More importantly, even the legal rights of children were often abused, since under the *parens patriae* doctrine the juvenile court was supposed to be working in the best interests of the child through informal court procedures. In other words, while the stated aims and intentions of the juvenile court were indeed laudable and the objectives idealistic, the *actual reality* in terms of resources and facilities was glaringly inadequate.

Failure of the juvenile court movement to meet its initial promise became increasingly apparent through the years. An exhaustive study of juvenile court problems by the President's Commission on Law Enforcement and Administration of Justice, in addition to legislative inquiries in various States and judicial concerns expressed by the U.S. Supreme Court, compelled the Commission to conclude in its final report in 1967: "It (the court) has not succeeded significantly in rehabilitating delinquent youth, in reducing or even stemming the tide of delinquency or in bringing justice and compassion to the child offender."

Professor Edwin Lemert has a long and distinguished reputation of research and scholarly writing on issues pertaining to juvenile delinquency. In this monograph he continues his impressive contributions toward an understanding of societal processes involved in the definition and labeling of deviant behavior. He considers the school, the welfare department, the law enforcement agency, and various community organizations as possible alternative mechanisms for dealing with problems of delinquency. In view of the actual capabilities and demonstrated performance of the juvenile courts, Professor Lemert's incisive evaluation of alternative social agencies and institutions for more effective ways of dealing with children who manifest delinquency appears especially timely.

However, the urgent need for more effective and appropriate alternatives to the juvenile court does not limit or distort Professor Lemert's analysis. While he recognizes the positive features of schools, welfare departments, and law enforcement agencies as diversionary agencies, he also notes some important shortcomings. Professor Lemert bases some of his analysis of the diversion potential of these institutions on his concepts of "primary" and "secondary" deviance. He concludes that some features of the labeling and handling provided by these helping agencies may unwittingly confirm the youth's view of himself as a delinquent and thereby facilitate deviant roles and behaviors. Thus, official action may in some cases actually serve to confirm and perpetuate delinquency in a child through a process that is actually designed to help him.

Following an appraisal of the potential of the aforementioned existing institutions to serve as alternative mechanisms for handling children with delinquency problems, Professor Lemert devotes his attention to several alternative possibilities. The discussion includes the development of youth service bureaus, the use of particular police practices, and the development of specialized diversion agencies. In addition, problem solving and conflict resolution techniques at the community level are urged in contrast to traditional diagnostic and treatment services for individuals.

Professor Lemert concludes his discussion on a point of critical significance: the idea of diverting children from the official court system must become highly valued in our society. Once diversion becomes a predominant social value, the procedures and the organizations to achieve it will follow.

Saleem A. Shah, Ph.D.
Chief, Center for Studies
of Crime and Delinquency

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The Court is like a palace built of marble,
made up of very hard but very polished people.

La Bruyere,
Les Caracteres: De la Cour

Chapter I. The Problem

This monograph is an effort to develop a series of models for diverting children and youth away from juvenile courts, so that their problems which otherwise would be dealt with in a context of delinquency and official action will be defined and handled by other means. It is premised on the idea that an excessive number of children are being processed by juvenile courts, that children are unnecessarily referred to juvenile courts, and that in many cases the harm done to children and youth by contacts with these courts outweighs any benefits thereby gained. Moreover, the interaction between child and court and unanticipated consequences of the processing of a child in many instances contributes to or exacerbates the problem of delinquency.

The reasons for this undertaking grow out of major shifts which have taken place in thinking and public policy in regard to the preeminent position of the juvenile court as an agency for dealing with the problems of children and youth. Vast changes have taken place in American society since the birth of the juvenile court at the beginning of the present century—changes which make reexamination of the court long overdue, both as an institution and as a working organization in a community context. One of the most striking developments in the picture of child and youth problems has been the great increase in contacts between youth, law enforcement bodies, and the juvenile court. For example, in 1966 between a million and a million and a half arrests were made of persons under 18 years of age, and it was estimated that 27 percent of all male youths can expect to have been arrested before they have reached age 18.[1] The proportion of those who actually become known to police by this age will be much greater because large numbers of youthful "offenders" are disposed of by police without record or formal action.

Approximately one-half of police arrests of juveniles result in their referrals to juvenile courts. According to several community studies, about one-fifth of the male population will have been referred to juvenile court by age 18.[2]

If these are valid measures of serious youth problems, then American society is in a critical if not moribund state. A preferred explanation is that the difficulties in reality lie elsewhere, that there is something badly wrong with the agencies which apprehend, receive, define, and process problems of children and youth. And indeed, this largely has been the tenor of the social criticism which has been directed toward police activities and juvenile procedures in recent decades. Mounting dissatisfaction and concern have been captioned by the far-reaching decision in the Gault case, in which the United States Supreme Court felt it necessary for the first time to review the work of juvenile courts. In paraphrase, the decision held that the wide powers of the juvenile court have not appreciably diminished youthful crime, that inconsistencies in its philosophy can have adverse effects upon youth under its control, and that gross injustices may result from its procedures in which youth are punished more severely than adults for comparable offenses.[3]

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[1] Alfred Blumstein, Systems analysis and the criminal justice system, *American Academy of Political and Social Sciences,* 1967, 374, 92-100.

[2] *Op.cit.,* p. 99.

Criticism of the Juvenile Court as an Institution

It is unfortunate that the Supreme Court's opinion in the Gault case was reached in an atmosphere more political than scholarly, leaving a suspicion that its purpose was to invite elimination of the juvenile court. At best, the decision was a synthetic justification for extending a number of rights of criminally accused persons to juveniles. Justice Harlan, whose opinion both concurred and dissented, decried the absence of a rationale for the decision, at the same time emphasizing the need to determine the requirements of due process of law, not by criminal or civil criteria, but rather by criteria "consistent with the traditions and conscience of our people.":

> The central issue here . . . is the method by which procedural requirements of due process should be measured. . . . the protections necessary cannot be determined by . . . classification of juvenile proceedings either as criminal or as civil. Both formulas are too imprecise. . . . The court should instead measure the requirements of due process by reference both to the problems which confront the state and to the actual character of the procedural system which the state has created.[4]

Justice Harlan missed the fact that the juvenile court is more of a local than a State agency, but his insistence on the need to examine it as an institutional system responding to variable problems in a geographical setting reflects a sociological view: in essence that decisionmaking and judicial outcomes in juvenile courts are phenonmena of social organization rather than law *per se*.[5] The variation in such organization is considerable; indeed, this is one of the core difficulties in trying to understand the juvenile court. How to comprehend the protean local adaptations of the many juvenile courts and yet capture those features which make it distinctive as an institution is no mean task. Perhaps this can best be done by combining several loosely linked perspectives on the court —its institutional differentiation, its efficacy as a working organization, also as a treatment agency, its bureaucratization, the overreach of law by the court, and its consequences as a deviance designating agency.

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[3] *In re Gault*, 387 U. S. I (1967), pp. 1-81.

[4] *Op.cit.*

[5] Aaron Cicourel, *The Social Organization of Juvenile Justice*, New York: John Wiley and Sons, 1968. Chapters I, II.

Institutional Differentiation

A perennial problem of juvenile courts, particularly as they are seen by national, standard-conscious agencies, has been their failure to differentiate according to the early model. Much of this has been blamed on the character of juvenile court judges, many of whom took conservative views of the court or else lacked the background and special education to appreciate and fulfill its ideal goals. Many courts had no probation officers, while others had to do with untrained and poorly educated personnel; social investigation and written reports were conspicuously absent, and access to specialized services was limited or nonexistent. Years ago, Carr called attention to these facts as evidence that "most courts have to be substandard."[6] The persistent failure of courts to differentiate is born out by a 1963 study which revealed that only 71 percent of juvenile court judges had law degrees; and of "full time" juvenile court judges, 72 percent spent a quarter or less of their time on juvenile matters. One-third of the judges had no probation officers to carry out work of the court, and but a small portion could call on psychological or psychiatric consultation services.[7]

Undifferentiated juvenile courts are much more numerous than others, but over all they serve a smaller proportion of the population. Their substandard quality appears to be directly related to the low population density of the areas they serve, where sheer economics or high per capita costs of servicing cases makes specialization difficult or impossible.

The Court as a Working Organization

In looking at juvenile courts serving large population areas which have reasonably adequate resources to differentiate along specialized, professionalized lines, different kinds of problems come to light, the most important of which is an overburden. As a juvenile court differentiates, it develops a number of interdependent relations with local and State agencies—police, sheriffs departments, boards of supervisors, welfare departments, schools, hospitals, clinics, correctional institutions, and professional associations. While such agencies serve the court, they also make claims on it, one of the main consequences being that it receives far more referrals than it has resources to handle. Attempts are made to meet this problem by concentrating on screening cases at intake, but nevertheless their volume means that much if not most of the manpower of the court has to go into investigations and court hearings.

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[6] Lowell Carr, Most courts have to be substandard, *Federal Probation,* XIII, 1949, 22-23.

[7] Shirley McCune and Daniel S. Skoler, Juvenile court judges in the United States, Part I, *Crime and Delinquency,* 1965, 11, 121-131.

It has been argued that the court's case-processing methods are ill adapted to its tasks. For one thing a great deal of information often is collected which either is not used or cannot be related in any specifiable way to the kinds of decisions the courts make in particular cases. Storage and retrieval of information by hand-filing methods frequently is inadequate to the magnitude of its work. There is an absence of methods for monitoring and assessing the work of the court, nor can it forecast the direction of its movement with any accuracy. One result is that cases are not disposed in line with a continuous or clear policy; policy of the juvenile court often is a reflection of inconsistent demands being made upon it at a particular time by particular agencies. Salient among these is the effort of police to coopt the court in their jobs of maintaining public order. A comparison of the working of the juvenile court with that of the modern business corporation makes it appear poorly managed, inconsistent, duplicative, and costly in effort.[8]

The Court as Bureaucracy

The necessity of processing large numbers of cases with diversified problems transforms juvenile courts into hierarchical organizations with divisions, departments, specialists, and routinized procedures. As such, they take on the qualities and problems of bureaucracy. Cases are passed from functionary to functionary and from one department to another, hence, decisions often are reached in piecemeal fashion or in consultations between various levels of authority. While there is a strain towards rationalized procedures, nevertheless responsibility tends to be diffused, and conflicts between individual workers or between divisions are endemic. Group interaction within the court, routines, contingencies, and organizational requirements profoundly affect the fate of cases.

What in the early days of the juvenile court was envisioned as a quasi-personal relationship between a child and a judge or between a youth and a probation officer turns into a relationship between a child or youth and a large, complex organization. Given the overburden of cases born of external demands on the court, the exigencies of its internal operations make it extremely difficult or impossible to predict that the interests of the child will be those of any particular member of the organization or of the court as a whole. Until recently, juvenile courts failed to make any adaptations to this crucial problem, in part because ideal aspects of the original model of the court as a protectorate of children obscured its significance and in part because recognition of this kind of problem would compel fundamental changes in the design of the court itself. The problem has further ramifications, best seen in questions about the inherent limits of law as a means of social control.

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[8] Robert Vinter, The juvenile court as an institution, *Task Force Report: Juvenile Delinquency and Youth Crime,* President's Commission on Law Enforcement and the Administration of Justice, 1967, Washington, D. C., pp. 84-90.

The Court as the Overreach of Law

Many of the difficulties of the juvenile court revolve around its character as an enterprise originally designed to use the power and authority of law to achieve ends not amenable to legal means. These strictures were anticipated years ago by Roscoe Pound in his classic paper on the limits of effective legal action. In it he noted that this kind of question comes to the fore in epochs when efforts are made to cause law to coincide with morals. When this happens the individual becomes the unit of law and wide discretion is given to magistrates (judges). The limits of legal sanctions inhere in the intangibleness of moral duties, which although of great public concern, defy public enforcement. As cases in point, Pound observed how obligations for the care of health, morals, and education of children—even truancy and incorrigibility—were coming under the jurisdiction of juvenile courts. When these matters are committed to courts they necessarily delegate the work of enforcement to administrative agents, such as probation officers, whose capacity to achieve these ends is questionable.[9]

Although Pound remained favorable to the juvenile court idea throughout his career, he was aware of its inherent shortcomings. In his estimation there were two main threats to the juvenile court, both inherently forms of the overreach of law:

> It remains to speak of two movements in current thinking which may threaten the continued development of the juvenile court. One is the movement to reach the causes of all delinquency and so particularly of juvenile delinquency through programs of official national agencies and local welfare agencies subordinate to or allied with them . . . .
>
> Another aspect of current thinking is the move towards absolutism the world over. The subject . . . affects every agency of government which involves the exercise of discretion with reference to the interests of individuals. Especially the movement for a wide administrative criminal jurisdiction may easily be carried so far with mistaken zeal that administrative criminal tribunals and the juvenile courts may be pushed back or fall back into ordinary criminal courts of the old type . . . .[10]

A critical retrospective on the establishment of the first juvenile courts reveals them to have been less a carefully planned innovation than the climax of a nineteenth century reform movement to rescue children from "depravity and immorality" of lower class urban environments. Another part of its impetus came from reformers who turned to the juvenile court idea as an oblique way of attacking the evil of child labor through using the court to enforce compulsory education laws. In its early history it was not unusual for the court to be pressured to take custody of children as a device to coerce parental conformity in matters of divorce, adultery, and insobriety. Some of the early controversies between judges and welfare workers revolved around these issues, with conservative judges in some instances using their considerable discretionary power to resist the zeal of reformers.[11]

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[9] Roscoe Pound, The limits of effective legal action, *Twenty-Second Annual Report of the Pennsylvania Bar Association*, XXII, 1916, 221-239; ———, The juvenile court and the law, preprinted in *Crime and Delinquency*, 10, 1964, 490-504.

[10] Roscoe Pound, The juvenile court and the law, p. 503.

The juvenile court's emergence in Illinois solved a major problem for private charity organizations there, which had seen statutes giving them control over delinquent children declared unconstitutional, while those allowing control over dependent and neglected children were sustained on appeal.[12] Combining jurisdiction over all three classes of children in a "socialized court" theoretically civil in nature provided the much sought legitimation of the values of the moral reformers. Unfortunately the envisioned ideal that delinquent children would thereafter be defined and treated as "neglected" proved false; in practice the reverse often was true, i.e., dependent and neglected children fell under the pall of delinquency and in many cases were subjected to the same kinds of sanctions.

The Omnibus Nature of Delinquency

Designations of delinquency in the first juvenile court laws were radical departures from traditional principles of Anglo-Saxon criminal law which parsimoniously applies sanctions to conduct manifestly violating narrowly defined laws and leaves but small scope for preventive law. Early statutes describing juvenile delinquency were omnibus in nature, drawn with the intent of bringing the widest possible gamut of child and youth problems under the bind of law. They embraced juvenile law violators, but "predelinquents" as well; later statutes added those with "delinquent tendencies." While the statutory phrasing under which juvenile courts assumed their almost unlimited jurisdiction has varied widely, delinquency is generally described as: (1) actions which if committed by adults would be punishable as crimes; (2) actions or states of being applicable only to minors—special children's offenses such as idleness, begging, junking, smoking, using alcohol, loitering or sleeping in alleys, curfew violations, presence in a gambling place or house of prostitution, playing ball in the street, engaging in street trades, and associating with adult criminals; (3) very generalized unspecified acts or states such as truancy, incorrigibility, immorality, and being in danger of leading a lewd and lascivious life.

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[11] Edwin M. Lemert, *Social Action and Legal Change*, Chicago: Aldine Publishing Co., 1970, Chapters I, II.

[12] Anthony Platt, *The Child Savers*, Chicago: Aldine Publishing Co., 1969, Chapter 5.

The passage of time has seen the elimination of long lists of outmoded acts and morally hazardous conditions from juvenile court laws in some States, but reliance on nonspecific jurisdictional categories has continued, including "runaways," "beyond control" of parents and school authorities, and actions "endangering morals and welfare." In eight States delinquency is not defined, but is left to the discretion of the juvenile courts themselves.[13]

Substance and Shadow of Delinquency

Nationwide the substantive meaning of delinquency has to be restricted to the body of similar findings between jurisdictions as to what constitute law violations by minors. Otherwise, definitions are artificial, arbitrary, and conventional.[14] The meaning of delinquency is relative, and peculiar to time and place. It must be discerned in the routine perceptions and practices within the court as effected by external claims of agencies and individuals making up its overburden.

In courts where social work philosophy and psychiatric ideologies prevail, the shadowy nature of delinquency determinations is furthered, or perhaps validated, by the idea that wrongdoing is a symptom of underlying pathology of the person or of his family situation. This "pathology" is inferred not so much from conduct as from "patterns" or "tendencies," judged to exist or intuited by probation officers, social workers, or clinical consultants. From their view, it may be more urgent to take or retain official control over a youth who has committed a benign offense than one guilty of a law violation.

The Court as a Treatment Agency

In actuality juvenile courts as a whole have not been receptive to psychiatric ideology and social work methods. Pressures on the courts to mete out punishment to delinquents and the inclination of probation officers to see themselves as surrogates of law and community interests have determined otherwise. Conceptions of treatment held by probation officers are much more likely to be correctional in nature and communicated from within their own field. The desire to do "treatment" and enthusiasm for novel ideas of therapy are often met with among probations officers, but then countered in the same breath by the occupational complaint that caseloads are too overwhelmingly large to allow time for treatment. When pushed for justification of what they do, judges and probation officers are likely to describe the working dispositions of their cases as treatment or in more candid moments recognize them as expedients for disciplining unruly youth.

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[13] *Comparative Survey of Juvenile Delinquency, Part I, North America,* UNESCO, No. 58, IV, 2-4.

[14] Manuel Lopez-Rey, Juvenile delinquency, madadjustment and maturity; *Journal of Criminal Law and Criminology,* 1960, 51, 31.

About one-half of all cases received by juvenile courts are dismissed or continued without a formal disposition—in other words, little more occurs than processing itself. One long-accepted justification for what otherwise might seem a meaningless spinning of its wheels by the court is that errant youth are thereby given an experience with supervening authority hitherto missing from their lives. Commonly this means a confrontation with a probation officer in the presence of parents or a stern lecture from a judge in a courtroom, and warnings of dire consequences of further misconduct.

A more painful accompaniment of these proceedings in a certain number of cases is a stay in detention. This often is a pragmatic move so that youth can "cool off" or "think things over"; not infrequently it is a type of punishment decreed in lieu of other forms of incarceration. At still other times detention is a direct accommodation to needs of police who are trying to solve a crime series or recover property; no pretense of treatment is made.

Next to continuances the most frequent disposition in juvenile court cases is placement on probation. But probation often is a nominal type of control which adds up to relatively few contacts between probation officers and their wards, their average number being about one or less per month.[15] In defense of this procedure it has been argued that merely placing a youth on probation, regardless of what else happens, is in itself a form of treatment. Seen more realistically it is a form of attenuated surveillance.

Leaving aside the question of commitments to schools and institutions, what the juvenile court does by way of treatment is so intertwined with its other purposes as to defy specification and evaluation. Undoubtedly there are cases in which encounters with juvenile court personnel, stays in detention, and probationary status suffice to make youth more law abiding or at least more cautious and careful about actions likely to result in arrest or referral to the court. Those so responding are probably fortunately situated or culturally and psychologically endowed to profit from their experiences. In contrast, there are those for whom juvenile court appearances and their consequences simply add new problems to old, redefine old problems in more ominous and fateful terms, or become episodes in delinquent careers.

The Court as an Agency for Defining Deviance

A final way of perceiving the juvenile court illuminates the way in which it designates deviance, shapes its expression, and helps to perpetuate it in secondary form.[16] It does so by redefining normal problems of children and youth as special problems requiring legal action and restraining controls. In a real sense it "causes" delinquency by processing cases of children and youth whose problems might be ignored, normalized in their original settings, or dealt with as family, educational, or welfare problems. Prima facie supporting evidence for this conclusion comes from studies of so-called "hidden" or "unofficial" delinquency, which show that a high percentage of college students and high school students have committed acts similar to those of boys who were wards of juvenile courts or inmates of correctional schools.[17]

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[15] Lewis Dana, What is probation? *Journal of Criminal Law and Criminology*, 1960, 51, 189-204.

One difference between college students and juvenile court boys, also between high school boys and those in correctional schools, was that the officially processed boys had committed *more* actions definable as delinquent than their counterparts. This fact might allow the conclusion that the processed youths represented cases in which normalization of their actions had been tried and failed. However, close examination of these studies indicates that when both frequency and seriousness of infractions are considered, there is a good deal of overlap in the distributions of cases of official and "unofficial" delinquency. This is most readily seen in the Cambridge-Somerville study in which a comparison is possible between youth who became juvenile court cases and those who did not. The former, the "official" cases, disclosed a frequency range of from five cases per youth to over 323, with a median of 79 for a five-year period. During this same time the range for the frequencies of unofficial cases was from zero to 266, with a median of 30. Twelve and a half percent of the official cases fell below the median of the unofficial cases, while 21.3 percent of the unofficial cases were above the median of the officially processed offenders.[18]

The areas of overlap between official and unofficial delinquency can be assumed to embrace primarily the special children's offenses and those in nonspecific categories of "delinquent tendencies." It is in these areas that the process of redefining normal child and youth problems into those requiring court intervention meets with the least resistance. However, as will be shown, criminal statutes also may be stretched or so interpreted to accomplish the same end. The difference between official and normal delinquencies lies in their context, primarily in the values, motivations, and policy decisions of complainants seeking to define the problems whose solution lies in juvenile court intervention. The more immediate meanings behind such allegations as incorrigibility, truancy, curfew violations, and moral danger are distributive aspects of the extraneous group and individual demands which make up the overburden of the court.

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[16] Edwin M. Lemert, *Human Deviance, Social Problems and Social Control*, Englewood Cliffs, N. J.: Prentice Hall, Inc., 1967, Chapter 3.

[17] Austin Porterfield, *Youth in Trouble*, Fort Worth, Texas: Leo Potishman Foundation, 1946, Chapter 2; Mary Shirley and Helen Witmer, The incidence of hidden delinquency, *American Journal of Orthopsychiatry*, 1946, 16, 686-696; James F. Short and F. Ivan Nye, Extent of unrecorded delinquency, *Journal of Criminal Law and Criminology*, 1958, 49, 296-302.

[18] Edwin Powers and Helen Witmer, *An Experiment in the Prevention of Delinquency—the Cambridge Somerville Youth Study*, New York: Columbia University Press, 1951, Chapter XVIII.

For example, incorrigibility when put into its social context is a term which many times connotes little more than conflict between a teen-age youth and parents, in which unreasonable demands are made by the latter and in which a probation officer becomes a partisan. Sometimes the application of this term is merely a convenient vehicle for abdicating parental responsibility for a child. Outside the family it may mean that a teacher or vice principal has concluded that a child is a trouble-maker whom he will not tolerate further in the school. Truancy, which usually is arbitrarily defined by school policies, reflects a wide variety of situations other than willful absence by the child. A study conducted in 1960 found that among other things the label of truancy was sometimes simply applied as a result of failure of parents to send written excuses to school.[19] Curfew violations may mean many things, but typically they flow from crude police action seeking to maintain order in public places. The allegation of moral danger tends to arise out of behavior or situations, real or fancied, which arouse sufficient sexual anxieties in others to demand court action. Normal sex play of children witnessed by neighbors may suffice.

The overreach of law in converting normal problems into delinquency is even more striking when allegations of law violations are made. These range from adventitious overblown charges arising from domestic quarrels to routine use of maximum charges in ways comparable to practices in regular criminal courts. Usually these stem from strong personal involvements or from the vested interests of organizations. Consider the following, witnessed in a Northern California county juvenile court:

> Naomi, age 13, was charged with assault on her grandmother, the case against her aggressively presented by the probation officer. Under his questioning, the grandmother angrily stated that the girl had pushed her and struck her without provocation in the early morning hours in her own house. This had badly upset the grandfather who came downstairs on the scene shortly thereafter. He verified his wife's version of the events.
>
> But slowly under cross examination by the defense attorney it became clear that the girl had done no more than push her grandmother down into a chair to compel her to listen to her. This was a reaction to events of the previous evening when the grandmother in

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[19] See Sophia Robison, *Juvenile Delinquency*, New York: Holt, Rinehart and Winston, 1960, pp. 148-155.

> the girl's presence had called her mother a whore, mainly because she was associating with an Indian, the two having gone to San Francisco the night in question. The girl was badly disturbed, brooded about the remark, finally phoned her grandmother to demand a face-to-face explanation in her house, where the alleged "assault" occured. Further questioning made it fairly clear that the court action was one of a long series of harassments to remove the mother and girl from a small house owned by the grandmother.

The importance of vested interests in routine exaggeration of crime charges involving youths is best seen in auto thefts, which in many cities make up the lion's share of court cases involving boys. Most of these are "joy riding" offenses rather than taking with the intent of converting the property of others to personal use. The vehicles usually are abandoned after a short period, and recovery rates are quite high. Yet because of the crucial importance of automobiles and because of the special interests of insurance companies in these matters, probation officers in many jurisdiction charge the maximum statutory offense.[20] Here law typically goes beyond its province to make maximum findings because juvenile courts are not constrained by strict rules of criminal evidence.

Stigmatization

Juvenile court proceedings originally were held to be civil in nature, confidential, and to be concluded without creation of a record. Events proved them to be punitive, correctional, and stigmatizing in effect if not in intent. This came about from persistent opinion and pressures from groups that saw the court as a means of repressing crime. The location of juvenile courts within the regular system of courts, their close relations with police departments, use of jails for detention, and dispositions depriving children of their freedom all sustained the punitive and stigmatizing features of these courts.

Stigmatization is a process which assigns marks of moral inferiority to deviants; more simply it is a form of degradation which transforms identities and status for the worse. It is both implicit and explicit in formal procedures in the court. Intake interviews, and those in subsequent investigations, often are inquisitions seeking admissions of guilt or of complicity in offenses necessary to meet legal requirements of petitions, or to obtain evidence in other cases. Detention means loss of freedom, removal of personal possessions, subjugation to arbitrary security rules, and surveillance—in some juvenile halls by microphones and closed circuit television. Girls, on admission to detention, may have to submit to routine pelvic examinations, with the implications of possible pregnancy or venereal disease.

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[20] Jerome Hall, *Theft, Law and Society,* (2nd ed.) Indianapolis: Bobbs Merrill Co. Inc., 1952, Chapter Six.

Court hearings on many occasions are equivalents of degradation rituals in which probation officers recite in detail the moral failings or "unfitness" of children, youth, and parents. Hostile witnesses add to the condemnations, and judges often deliver sermon-like lectures, larded with threats, which confront children and parents with choices of reform or dire consequences. For emphasis, judges have been known to read incriminating facts or opinions from the probation record.

While such dramatized insults to identity and integrity cut deep for some, their impact varies and is absorbed or discounted by others. Less easy to cope with are the objective consequences of stigmatization resulting from the creation of a court and police record. While not open public records, nevertheless their contents get known. This can and does act as a handicap in seeking certain types of employment, professional schooling, and acceptance in the armed forces. A paradoxical handicap, one of special importance in the larger discussion of this report, is that once a child becomes a ward of a juvenile court, many welfare agencies will not accept him as their client.[21] Henceforth, he loses his chances of having his problems treated as welfare matters.

The Escalation of Stigma

Probation officers, welfare workers, and others are familiar with cases of children who have come into juvenile court as dependent wards, later were classed as incorrigible, and at last typed as law violator delinquents. Court workers are very apt to look on this sequence as a kind of unfolding process in which the potential for delinquency becomes overt. Omitted from their thinking, and that which impresses many sociologists, is the influence of court experiences themselves in the generation of such sequences or careers.

A certain portion of the escalation of delinquent careers is almost purely arbitrary or results from bureaucratic responses to court overload. For example, in 1966 juvenile courts in California sent 80 minors to the Youth Authority, by reclassifying them from code section 600 (dependency, unfit homes) to 602 (law violations) without bringing them back to court for rehearings.[22] A common problem cloaked by such actions is the inability to find foster home placements or lack of other resources. This leads to the administrative expedient of legally redefining the child's problems so that he or she may be turned over to the State agency. There is no way of knowing how widespread this kind of circumvention is, but results of a 1966 survey of 15-20 correctional institutions showed that about 30 percent of their inmates were children committed for conduct that would not have been judged criminal for adults. Similar studies brought out the fact that 48 percent of 9500 children in State and local detention programs had no record of criminal acts.[23]

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[21] Alfred J. Kahn, *A Court For Children,* New York: Columbia University Press, 1953, pp. 59-60.

[22] *Proceedings of the 1966 Institute for Juvenile Court Judges and Referees,* 1966, Long Beach California Judicial Council of California, p. 22.

Secondary Deviance

One of the great paradoxes of organized society is that agencies of social control may exacerbate or perpetuate the very problems they seek to ameliorate. In so doing they foster conditions of secondary deviance. Such deviance evolves out of adaptations and attempted adaptations to the problems created by official reactions to original deviance.[24] From this point of view the sanctions, dispositions, or "treatment" imposed by the juvenile court personnel too often simply add another series of problems to original problems of parents and children, then further stigmatize the failures to cope with the new problems. The specifics of this process lie in the reactions made to special status which sets wards apart and special conduct standards which hold them accountable in ways not expected of other children. Probation exemplifies this process, wherein a youth is forbidden to associate with persons he regards as his friends, a girl is barred from seeing her boy friend, or a child is ordered not to see an "unfit" parent.

A teenager placed in a foster home is expected to obey orders of people who are strangers; the boy placed in a ranch school must tread a narrow path hedged with rules, many of which are drawn up with his potential deviance in mind. A youth may violate rules with perfectly good motives—to show loyalty to friends, to visit with a parent, or to look for employment. In other cases a boy may take leave from a ranch school because of problems beyond his power to solve. Yet the court typically defines such actions as "failures" or disobedience of its orders, which become legal justification for more severe measures whose effect is to move a minor farther along the road to correctional school. Probation officers or judges sometimes are aware at the time of a disposition that it is destined to "fail," yet they will say that they have no choice when it comes to the more fateful dispositions which follow such failures.

Delinquency as a Process

Becoming delinquent is not a simple aggregation of the effects of juvenile court experiences, but rather a process in which parents, neighbors, teachers, school officials, and police as well play significant roles. No less important is the subjective response of "self reaction" which children and youths make to these significant others. While becoming delinquent is by no means a unilinear process, frequently it discloses a cumulative reinforcement of problems confronting a child in different social contexts. Parents may be loveless, punitive, or rejecting toward a child, or they may place him prematurely on his own resources. The child may be labelled as the "bad one" or black sheep of the family; neighbors may focus hostility on such a child and make him a scapegoat. Teachers may add another facet to the child's disrepute with the designation of troublemaker, or a vice principal may insist that the child be removed from his school. Finally, the police, who are the main source of juvenile court referrals, form stereotyped judgments of the child based upon fragmentary information of his family or his school record.

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[23] William H. Sheridan, Juveniles who commit non-criminal acts: Why treat in a correctional system? *Federal Probation*, 1967, XXXI, 26-30.

[24] Edwin M. Lemert, *op.cit.*

While there is no agreement on the precise way a child becomes delinquent, much indicates that the process consists of predominant interactions in which the child's sense of integrity and moral worth are placed in question. This is most likely to happen when relationships of trust vital to personal growth are attenuated or changed to those of distrust. When this occurs, wariness, cognizance, and surveillance replace the easy mutual acceptance of trust. There is little effort to normalize deviance or to see it as a problem amenable to ordinary solutions.

Deviance which subsequently gets defined as delinquency represents efforts by children and youth to defend their autonomy and somehow preserve character in the face of degrading interaction. For children this includes a lot of testing and retaliative behavior, often idiosyncratic in nature, which invites problematic definitions. For the adolescent, deviance is more apt to be shaped in peer group audiences which serve to validate character claims or "rep." It is not unusual for this to turn into character contests involving both police and juvenile court officials. The subjective aspects of this process have been analyzed well by Werthman elsewhere.[25] Here the main concern is with the special attributes of the institutional context which pose character problems for the child.

The place of the juvenile court and that of the police differ in several fundamental ways from the family, neighborhood, school, and welfare agencies. Whereas the latter are organized primarily around presumptions of trust, the reverse is true of the police; they institutionalize distrust, suspicion, and inquisitorial methods. Distrust is problematical for primary groups but, conversely, trust is problematical in police and court organizations. When police and probation officers cultivate trust, it is likely to be for instrumental reasons, and it easily deteriorates into exploitation. This is in contrast with the family, where parent-child relations fluctuate, get repaired, and leave room for forgiveness and mutual sharing of blame. In the school the nonconforming child may still find a basis for accommodation and trust with teachers. To a very limited degree this is even possible between police and street youth. Not so, however, for the juvenile court, whose formal decisions and actions are clothed with finality, and whose errors must be laboriously proved by appeal. There are no procedures by which a juvenile court can admit openly that it has been wrong, nor does its charter allow it to make reparations.

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[25] Carl Werthman, The function of social definitions in the development of delinquent careers, Task Force Report: Juvenile Delinquency and Youth Crime, *op.cit.*, Appendix J., 155-170.

Awareness of the fateful nature of juvenile court processing on the part of judges and probation officers helps explain the large proportion of cases that are dismissed, continued, or assigned to informal supervision. From what has been said it seems plain that the bulk of such cases should have been previously normalized or defined as problems other than delinquency. However, their presence and processing through to disposition reflect efforts of court personnel to solve their own dilemmas. They provide means to satisfy the extraneous claims making up the overburden of the court, to validate its presumptions of treatment, and to quiet public demands for repressing delinquency. At the same time some protection and individualized consideration are given children and parents.

Implications for Public Policy

Examination of the juvenile court from several perspectives leaves it painfully clear that too often it seeks to do things best not done; it undertakes ambitious tasks without available means and it fails to apply means at hand to clearly defined ends. Moreover, the juvenile court aggravates many problems it tries to ameliorate, and, in an undetermined number of cases, it furthers delinquent careers.

Questions of public policy raised by these criticisms are twofold: (1) whether some of the actions of children and parents now subject to definition as delinquency or unfitness should not be conceived as nonproblematical and either ignored or written off simply as part of the inevitable, every day problems of living and growing up; (2) whether many of the problems now considered as delinquency or preludes to delinquency should not be defined as family, educational, or welfare problems, and diverted away from the juvenile court into other community agencies.

The first question resolves itself into other questions, mainly relating to what kinds of youthful actions and family situations should be used to make such determinations. The diversity of American culture and shifting public opinion makes substantive answers to these questions difficult. In general terms, however, it appears that the emphasis should be on *conduct* and its *manifest consequences*.

Other criteria obviously applicable are those of *recurrency* and *injury to self and others*. The stance of the juvenile court should be nonintervention; the standards of proof should be high; the burden of proof should rest on those seeking intervention.

The second question comes with cases in which a serious problem is demonstrably present, but there is good reason to believe that it can be worked out in other than the authoritative setting of the court. Here the special laws applicable only to children should be closely reexamined, with a view primarily to their abolition or substantial revision in that direction. Leaving aside the emotionally charged topic of drug use by minors, the time is past due for overhauling laws governing the use of alcohol by minors. The same is true for laws dealing with the curfew, the possession of knives, and some forms of theft. Truancy, runaways, incorrigibility, beyond control, and lewd or immoral conduct all refer to problems which according to our line of thinking are least amenable to control by law and the most likely candidates for other kinds of social control.[26] For these problems are almost always matters of arbitrary definition; in a wide range of instances they reflect normal reactions of maturing youth to arbitrary authority or other intolerable conditions. Finally, in an equally impressive number of cases they are simply a guise for transferring or "dumping" problems from one institutional setting to another, concealing reasons which are unclear, indefensible, or both.

Changes in public policy aimed at narrowing the jurisdiction of the juvenile court and limiting the range of problems definable as delinquency can be formed by appellate rulings, legislation, and finding new ways of administering the law. In the past, appeals from juvenile court decisions have not been influential in constraining unwise action by juvenile courts, and it remains to be seen what the full effects of the U.S. Supreme Court ruling in the Gault case will be. It is more likely that relevant changes will have to come from State legislation and local administration. Yet there is risk that passage of statutes to restrict the volume of cases reaching juvenile courts may miss their targets if they do no more than describe new substantive bases for jurisdiction, for the reason that complainants as well as juvenile court personnel are likely to rationalize or define their problems in whatever terms the new statutes state. More effective constraints lie in new procedural or adjective law.

Such procedural requirements include intake screening, detention hearings, bifurcated hearings, sharp separation of findings of fact and information related to dispositions, official records, advice as to right to counsel, provision of counsel, and limitations on dispositions according to the type of jurisdiction assumed by the court. Many changes along this line have already been made in various States.

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[26] See Sol Rubin, Legal definitions of offenses by children and youths, *Illinois Law Forum*, 1960, Winter, 512-523; Alfred Kahn, Sociology and social work—challenge and invitation, *Social Problems*, 1957, 4, 220-228.

Probably the most revolutionary change under way in the present-day juvenile courts is the entree and presence of counsel in a growing number of cases. Increasingly aggressive advocacy has had direct effects on procedures, among them delays, complications, and increased costs. In areas where this has been occurring—California juvenile courts, for example—a general result is to move the courts closer to a kind of negotiated, plea-bargaining justice similar to that which has evolved in adult criminal courts.[27]

Two important changes in our larger society are encouraging the exercise by juveniles and parents of their rights to counsel and vigorous defense in juvenile court, changes which combine to push the courts towards a more narrowly conceived agency, dealing primarily with serious law violations. One of these is the heightened sensitivity of minority populations to real or fancied abuses of police power and to civil rights issues. The other is the swelling numbers of youth apprehended for violating narcotics laws, many of whom have middle class status. Among the consequences of the first change is a greater likelihood—particularly of Negroes in ghetto areas—of resistance to arrest, or even attacks on police. This means that arrests for minor offenses lead to secondary charges of interfering with police or assault. Protracted hearings follow, necessitating evaluation of conflicting testimony and extensive arguments over the law of arrest.

The situation regarding the enforcement of narcotics laws is one of imbalance, in which the stringency of penalties has outstripped the social harm of the offenses. The threat of prison makes engaging or assignment of counsel commonplace. Defense, at times helped by a sympathetic judge or prosecutor, tends to exploit technicalities of the law as a means of rebalancing the scales of justice. Hence, the excesses of legislators seeking to stamp out the "drug evil" may well have the unanticipated effects of making the juvenile court more legalistic, more like a criminal court.

However, this seems unlikely to happen solely through changes in law and increased use of counsel. Such a view overplays the influence of law in producing changes, particularly more positive and constructive changes needed to lessen the overburden of the juvenile court. It is doubtful that problems of overload and the overreach of law can be solved unilaterally so long as juvenile courts are part of a reciprocating system of community and State agencies and so long as parents and individuals can freely initiate court action. It is also questionable whether public opinion will be favorable to withdrawal of juvenile courts from many problem areas without some new forms of control coming into being.

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[27] See Edwin M. Lemert, *op.cit.*

In sociological terms it can be said that if something is removed from a reciprocating system of groups, something must be put back. Hence if the problem domain of the juvenile court is to be made smaller and more specialized, other definitions of youth problems need to be developed and new means invented to deal with them. This can be accomplished by reorganizing existing agency resources or by inventing new types of organization, or both. In both instances the organizational principle or objective will be that of bypassing the juvenile court process.

Chapter II. The School Model

The model which makes the school the prime institutional focus for defining and channeling child and youth problems rests on the idea that next to the family it is the major socializing agency in society. With the disappearance of neighborhood and community influences, the school becomes the chief democratizing agency for the divergent populations of our society. Because it has contact with the child for a long period during the day and is given prolonged legal jurisdiction over his educational fate, it often is assumed that the school is the logical place to deal with extramural as well as intramural conduct problems. This is emphasized by the strategic positioning of teachers to perceive emerging problems of students, and the *in locus parentis* authority of school personnel to take action. More recently the belief has grown that schools must take more responsibility for preventing delinquency attributed to special problems of population groups disadvantaged by submission to what is viewed by them as an alien and unresponsive system.

Yet there is an empty ring to all such thinking, for substantially little seems to have come of it, either in the form of organizational innovations or new philosophy to comprehend youth problems under the aegis of education. For a design which formulates much of what is now defined as delinquency as problems of education we must turn to other societies.

Russia provides an informative example of a large industrial society which has elected on ideological grounds to subsume child and youth problems primarily as those of socialization. Origins of this lay in decisions of early Russian leaders to concentrate on youth to gain support for Communism and to nuture massed-based values and habits required for rapid industrialization of a backward feudal society. A definite political cast was given to education and to the importance of sacrificing individual interests to those of the state.[1]

At the close of the revolutionary era of 1917–1921, Russia was plagued by a million or more homeless and rootless children and youth, many of whom roamed the country committing crimes and other depredations, and spreading venereal disease.[2] Responsibility for reclaiming this population was jointly assigned to the Commissariats of Education and of Justice. While many of these youth were seen as special problems with criminal aspects, it was anticipated that the problems in time would disappear or merge into the more general problem of Sovietizing youth. To a considerable degree this was borne out by the general ascendancy of the educational principles of Anton Makarenko, which he evolved out of his experiences with school colonies set up for delinquents.

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[1] Beatrice King, *Russia Goes to School*, London: New Educational Book Club, 1948, p. 9.

[2] *Ibid.*, Chapter 3.

Makarenko founded the idea, central to Soviet philosophy, that "education is by the collective, through the collective and for the collective." It is a process of "upbringing" directed to the total personality of children, uniting mental, moral, physical, and aesthetic education.[3] Two chief means are employed: (1) the cooptation of peer group influences and controls and (2) the marshalling of a variety of organized influences and resources outside the schools to assist them in coping with disciplinary problems.

Student organization begins as early as the fourth grade in Soviet schools, and is managed to bring any children who "break discipline" into confrontation with their classmates (the nucleus collective), or if that does not suffice, before the student council which represents the whole school. There the student meets face-to-face criticism and is expected to develop self-criticism as well. Wall newspapers also call attention to personal shortcomings of students. Youthful monitors carry on surveillance of the student body to insure compliance with school rules, which are highly explicit and are standardized throughout the entire nation.

Student problems not amenable to peer group controls may cause teachers to contact parents, or bring them to the attention of the school director. The Komsomol, Young Pioneers, youth organizations, parents' groups, tenants' organizations in housing projects, factory groups, and trade unions all can be enlisted at various times and in various ways to help find solutions to children's problems. Besides this, every school or children's home is associated with a patron enterprise on which it can make claims for assistance. There is a standing rule that no child can be expelled from a school without permission of the district or city commission on affairs of minors, which must make plans for his continuing education. Consistent with this policy, transfers between schools are easy to make.

Problems of youth arising outside of the school, such as vagrancy and thievery, fall to the immediate authority of the militia, who have options similar to those of American police: release the child, take him to his parents, or place him in detention for a month. During this time the Commission on Affairs of Minors, which has both professional and lay members, with a teacher, however, for chairman, decides what shall be done with or about the child. The chief objective at all times is to keep the child in the home and avoid the stigma of appearance in court.[4] A formal link between the Commission and the schools is made by Children's Inspectors, who are concerned specifically with nonattendance and neglect.

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[3] Dena Levin, *Soviet Education Today*, New York: Monthly Review Press, 1964.

[4] Elizabeth Moos, *Soviet Education: Achievement and Goals*, New York, Council of American-Soviet Friendship, 1967.

As might be expected in this kind of system, there is diminished emphasis on specialized legal procedures to deal with aberrant minors. Only after collective intervention and dispositions by the Commission on Affairs of Minors does the Youth Department of the Division of Internal Security take charge. Children under 12 years may not be prosecuted, while those between 12 and 14 (more recently 16) may be tried only for specific offenses of theft, violence, assault, murder, and destroying state property. Youths 14 and over are prosecuted in ordinary courts, except for petty thefts and misdemeanors. These are subject to airing in the so-called comradely courts.

Limitations of the information to be had about the Soviet system in action make any fair evaluation of its methods of resolving child and youth problems difficult. However, some sources, such as letters to government news media, indicate discrepancies between ideal and reality. Apparently school directors do expel students without seeking necessary compliance from higher authority; others are transferred to labor schools without followup supervision to insure attendance. Consequently the eight-year minimum education law is not always followed; youths also may evade employment and drift into difficulties. Occasional letters to *Pravda* and *Komsomolskaia* speak of cases in which timely collectivist intervention seems not to have occurred. There is some reason to believe that the system works better in rural than in urban areas. Finally, problems have been noted with the so-called "stiliagi," the sons of affluent middle class parents, who shun work, flirt with western ways, and who are likely to be shielded from corrective action because of their parents' position.[5]

In American eyes the Soviet system of youth controls looks like a merger of pedagogical and community organization techniques. Its distinctiveness lies in making youth problems preeminently political issues, directly involving official state morality. Another unique feature stems from the dual nature of Soviet social organization, which insures that a Communist Party member will informally share authority with each and every important agency official. This is a way of unifying action among the network of groups charged with aiding the schools in coping with their problems. Overt conflict between agency interests and resistance so apparent in American communities is less likely to occur because police are politically subservient to central authority and there is no separate correctional profession oriented to a special "abnormal pedagogy." Participation of workers and lay people in the problem-solving process also works against assertion of special interests.

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[5] Z. F. George, et al., eds., *Changing Soviet School*, Cambridge, Mass.: Riverside Press, 1960, pp. 425 f.

There is no way to tell how far youthful misconduct is normalized and discounted in the U.S.S.R. However, it is worth note that drunkenness in youth is not treated as a crime. The general importance of theft as an offense may have been lessened because socialism is antithetical to private property and thereby tends to eliminate a whole class of potential victims and complainants. In any case, petty thievery is not a serious charge unless it involves state property; often it is handled administratively by the militia. Theft is never explained as a symptom of emotional conflict, but rather as the result of insufficient education. Apart from serious crimes of a more universalistic nature (assault, rape, robbery) and those against the state, Russians seem to regard such behavior comparable to that which Americans calls delinquency as normal problems of socialization and education.

The American Contrast

American society as a whole stands in sharp contrast to Russia in the limited responsibility schools have for the solution of child and youth problems. This is not to say that the reformative value of education is ignored, for perennially it has been touted as a panacea for social problems. Furthermore, schools are periodically blamed for delinquency, along with parents and other institutions. President Johnson's crime commission reports carried strong condemnation of schools, particularly slum schools, as causes of delinquency. Recurrent critical themes are that schools lack money, personnel, buildings and equipment, and that instructional materials and methods are ill adapted to the backgrounds of lower class children, slum children, and those of minority racial antecedents. Recommendations to alleviate school-caused delinquency have a monotonous generality about them—more money, improved quality of teaching, elimination of racism, or, inanely, to "deal better with behavior problems in the schools." [6]

No one knows if more generous appropriations, improved teacher education, or moving children here and there to restore racial balance in schools will have any effects on delinquency, particularly on the processes through which the schools contribute to the ultimate adjudication of youths as delinquents. Policy in the grand style leaves untouched the questions of how to normalize the conduct of minors, what basic perspectives are needed on the nature of child problems in school settings, and which choice of particular means is likely to solve them.

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[6] Task Force Report: Juvenile Delinquency and Youth Crime, The President's Commission on Law Enforcement and Administration of Justice, Washington, D.C., 1967, Appendices M, N.

Normalization and the School

A developing industrial society must depend on schools to help raise the level of mass habits necessary to maintain its technological advances. Hence there is not complete freedom to redefine delinquency out of existence. The idea of adapting teaching content and discipline to the needs of special groups as a way of normalizing behavior to such an end must be entertained cautiously. The more realistic question is what patterns of action and values represent the irreducible ethical minimum required by a changing society, beyond which adaptations to variable minority and individual needs is allowable and desirable.

Much of what is known about American schools indicates that there is an ubiquitous concern with moral aspects of student behavior which makes for individious distinctions conducive to deviance. Research has shown that teachers, in comparison with others, are more likely to rate students according to dishonesty, disobedience, disorderliness, aggressiveness, sex activity, and inefficiency in learning. Teachers also rate boys as being more problem-prone than girls, revealing their preferences for compliance and unassertive conformity from their pupils. New and inexperienced teachers and those near retirement age perceive more problems in their classes than other teachers. Significant differences appear between moral standards of female and male teachers, with the latter more apt to judge their students according to maturity and dependability. Teachers stand quite close to police in attitudes towards the importance of order.[7]

These facts become more telling when it is recognized that between 80 and 90 percent of teachers are females, many unmarried, with a high turnover, which leaves a clustering of the young and inexperienced and the old and tired pedagogues in the schools. It is probable that selective processes have produced a teaching class oversensitive to moral problems, inclined to make issues out of matters which might well be overlooked or left to the tincture of time to cure. Even if individual teachers are not order-prone people, the opinions of teacher peers and the expectations of their administrators may make them so. The conception of the teacher as a character model to whom personal responsibility for her students has been delegated increases her sensitivity to misbehavior which comes to the attention of persons and groups outside the schools.

A great deal has been made of the middle class cultural origins of American school teachers and some have described their moral preoccupations in terms of an entreprenurial ideology or "Protestant ethic." If there is a common theme therein, it is the accent given to individual initiative, ambition, upward mobility in society and their association with moral worthiness. Failure to achieve is apt to be attributed to defects of individual character or that of parents; seldom are causes laid at the door of the school as an institution or education as a social system. Such views exert a pervasive influence on the way in which school problems are conceived and managed. In recent decades these views and values have been given a special application as a result of the so-called "search for talent" and growing bureaucratization of school systems.

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[7] Mary A. White and Myron W. Harris, *The School Psychologist,* New York: Harper and Brothers, 1961, Chapters 8, 9; R.B. Khleif, Teachers as predictors of juvenile delinquency and psychiatric disturbance, *Social Problems,* 1964, 11, 270-282.

The Definition of School Problems

The pressures which teachers as well as students feel in schools tend to explain why, given the oversensitivity to normal variations in child behavior (particularly boys'), issues over deviance easily occur. Teachers meeting defiance from students usually feel compelled to take action because their authority is put into question and because they must allocate their time and energy among pupils. Once auhority is in issue, questions of solidarity of other teachers and the backing by administrative persons arise. At the point of complete rejection of a child, teachers seek allies and try to justify their line of action by fixing ideas about the child's essential character: a sneak, liar, thief, lazy, trouble-maker, speech problem, or "disturbed." If the teacher feels strongly enough she refers the child to the vice principal, sometimes with the objective of ridding herself and the class of the child's presence. This, of course, is an old practice. What is comparatively new is the bureaucratization of these procedures, with the possibility of additional referrals to school counselors, psychologists, social workers, and sometimes psychiatrists. Cicourel and Kitsuse have concluded from research on this question that the addition of such professionalized service workers to the schools enhances the probability that problems will be perceived in students and that the farther they go along the referral chain, the more serious the problem is likely to be seen.[8] This accrues from the specialized perspectives held by professional clinical people and their reliance on accumulated records about the child from within and outside of the school. Professionals, like teachers, are less likely than lay persons to normalize unusual behavior or deviance, but for different reasons and with differing conceptions of the kinds of problems they "find" in the students.

Given a low level of tolerance for deviance in schools, bureaucratically heightened visibility of normal problems, and a high probability that problems will be defined as special rather than normal, the situation becomes indeterminate as to whose versions of the problems will prevail. Cicourel and Kitsuse distinguished three types of deviant high school careers as they emerged from routine defining practices: (1) academic—typified by a kind of underachiever-overachiever dichotomy, (2) psychiatric, for those emotionally disturbed, and (3) delinquent.[9] The problem designated and affirmed in action more or less determines which kind of career student-deviants will be directed toward. However, these are not objective clinical decisions for they get heavily weighted by administrative considerations, as indicated by conflicts over who should make decisions about special referrals: the clinical people, or the school administrators. A subterranean issue in these conflicts frequently is that a teacher, principal, or both has determined to rid the school of the student. This same kind of conflict is at times seen in disagreements between school personnel and juvenile court people as to whether the latter should take jurisdiction. Charges of "dumping" school problems emanate from one quarter, countered by accusations of "softness" and leniency from the other.[10]

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[8] A.V. Cicourel and John Kitsuse, *The Educational Decision Makers,* Indianapolis: Bobbs-Merrill, 1963.

All of this leaves a question as to whether students have their problems or careers defined in clearcut, albeit invidious terms, or whether the overriding symbolic influence is not the conflict between teachers, administrators, and clinical people in the school, and between the schools and other agencies as to how particular students' problems should be defined. Running through such disagreements are contrasting themes of determinism versus free will; one absolves the youth of responsibility for deviance, the other holds him morally accountable.[11] According to some, such organizational "dissonance" feeds anxieties of the client class or it may invite manipulations by which they circumvent authority.

On balance, it is more realistic to say that conceptions of student problems held by diagnostic and remedial specialists in the schools tend to be subordinated to the strategic and administrative needs of the school as a whole, centering in the authority problems of the teacher-student relationship and the embattled position of schools in the community. Schools try to protect their authority by insulation from parents and the community, in the course of which formal ties with other agencies are avoided. Specialists within the school system tend to be coopted and their outside contacts remain tenuous.[12] In critical cases they have little power to make their views felt. On the other hand the threat of the classroom teacher to resign or ask for a transfer to another school can give great weight to her values.

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[9] Aaron Cicourel and John Kitsuse, The social organization of high school and deviant adolescent careers, in *Deviance, The Interactionist Perspective,* Earl Rubington and Martin Weinberg, eds., New York, London: The Macmillan Co., Collier Macmillan, 1968, pp. 124-135.

[10] Robert C. Taber, The judge and the schools, *National Probation and Parole Association Yearbook,* 1944, 41-43.

[11] E. K. Nelson, Jr., Organizational disparity in definitions of deviance and uses of authority, in *Schools in a Changing Society,* Albert J. Reiss, Jr., ed., New York, London: The Free Press, Collier Macmillan, 1965, Chapter 2.

[12] Albert J. Reiss, *Schools in a Changing Society, op. cit.,* Chapter 1.

There is a common ground on which conceptions of problem students entertained by teachers and those of school-attached specialists meet, namely in the implication of failure and inadequacy. Designations such as "slow learner," "emotionally disturbed," and "acting out" used by the specialists and the more commonplace terms like "hopeless," "screwy," "little thief,'" or "no-good punk" when applied by teachers to students all convey the idea of characterological defects. Whether such labels are "self-fulfilling prophecies" is a moot point. More likely it is their convergence, validation by penalties, and their incorporation by the students themselves which are the antecedents to delinquent eventualities. It must be borne in mind that students respond to feedback on their own behavior and draw confirmation of failure from self-made comparisons with other students. Self-responses to labels and official reactions to these responses both are important in understanding the career aspects of delinquency.

The Slum School as a Special Case

There is a kind of informal structural recognition of categorical moral order imposed within schools. "Good" classes are sometimes assigned as rewards to teachers for loyal service, and "bad" classes may be given to newcomers or less adequate teachers, or perhaps to those with special aptitude for intimidation. Curriculum adaptations in the form of "tracks" or "streams" also encourage informal organizational distinctions having moral overtones. The ecological differentiation of schools within the whole school system also has detectable implications for the moral order of education, most conspicuous in slum schools.

Slum schools are marked by a high proportion of minority ethnic populations and those from families of low economic and educational status. Entering students are less prepared than those in other schools to acquire even elemental knowledge. In this objective sense they have problems to begin with. Disciplinary problems in such schools are rife and have received much discussion. Important here is the fact that such schools have reputations which selectively determine what kind of teachers will accept positions there and how long they stay. The preconceptions they take with them to such schools dispose them to respond accordingly, most frequently that they will be teaching problem children. Teachers often grow demoralized because so much time must be devoted to preserving order, or because daily they see the lack of results of their pedagogical efforts. They may become cynical, withdrawn, or mechanical in their performance, look for a better job or wait out their time. Teachers blame students as being uneducable or a "bad lot," while students blame teachers for failing to teach them or for inflicting unfair punishments. Both are right, both are wrong.

Teachers in this kind of situation may be defensively oriented to fix their ideas as to the source of failures in the students or their parents because of the feeling that they are held to teaching expectations impossible to fulfill. Ingroup-outgroup cleavages between students and teachers heighten surveillance and sensitivity to deviance on both sides. The difficulties of maintaining character for students are magnified in this setting, who may truant, drop out, or strike back in anger against what may seem to them more like a prison than a school. In this sense, secondary deviance is implicit in some slum school systems. Insofar as defiance of the teacher and school authority gains an audience for the deviant student among his peers, the willingness of the former to take up challenges reinforces patterns of subcultural deviance in the school setting.

Classes and Schools for Deviants

The provision of limited and peripheral services of specialists within the schools has had questionable results in efforts to diminish problems of the schools for reasons partially clarified in the previous discussion. Teachers are sometimes critical of such services because referrals disrupt their classes, and because they see a stigma being imposed on students selected out from their peers and dispatched for special treatment. However, a much stronger objection is the high financial cost of individualized treatment, which means that personnel and facilities are usually woefully disproportionate to the population of the problems they seek to solve. The result is much diagnosis of problems and relatively little treatment. In the case of slum schools the special service programs err in defining as individual problems those which may inhere in the whole school organization.

Recognition of the difficulty of integrating large numbers of problem students into a conventional school organization has led in some cities to the establishment of special schools for truants, "predelinquents," delinquents, and even narcotics offenders. Such schools vary considerably in organization, but generally they try to give special consideration to the size of classes, the selection and training of teachers, curriculum adjustments, and adaptation to the needs and interests of the children. In a number of schools attendance is not compulsory and sessions are shorter than in regular schools.

The "600" and "700" schools of New York city are the best known examples of special schools for student deviants. They provide intensive services for "disruptive" and delinquent children. The 600 schools concentrate on those with severe behavior problems, the 700 schools service children with "consistent" problems, especially those with court records. Actually these schools are a "system within a system" and have fairly elaborate procedures for referrals and admissions. Altogether in 1959 there were 22 units and annexes ranging from day schools to special units for children within psychiatric hospitals. Chicago's two special schools, Montefiore and Mosely, are less differentiated than those in New York, and in the case of Montefiore seems to be tied closely with the Family Court. Direct referrals come from school transfers or from welfare agencies.[13]

A compromise arrangement midway between the retention of deviant students in regular classes along with recognition of their problems through provision of special services, and total separation in special schools, is the institution of special classes. These can be for slow learners, truants, delinquents, and others with residual problems making them unresponsive to ordinary classroom methods.

The consequences of differentiating special organization within school systems for the control of deviance cannot be easily assessed. Carefully controlled comparisons between special and regular schools have yet to be made and may not get made. Judgments are complicated by the heterogeneity of the students sent to special schools, a condition unlikely to be corrected or changed as long as disagreements continue between administrators and behavior specialists as to who should have the final word on referrals.

There is, however, some evidence that specialized classes and schools accomplish some good in lessening truancy, vandalism, and difficulties with teachers.[14] Voluntary attendance, the scaling down of expectations for students, individualized instruction, and withdrawal of students from competitive situations have the effect of changing their immediate environment, within which many problems can become normalized. The selection and training of teachers, higher pay, and changed expectations for them as well as their students do much to prevent problems from being converted into authority issues. There is also a possibility that administrators are less inclined to refer difficult cases to police or court authority, or at least become more discriminate in so doing, simply because the charter of their organizations differs from that of regular schools.[15]

The questions to be raised about specialized schools and classes turn less on their feasibility than on their costs, broadly conceived. Reduced class size, specialized staffing, and separate administration raise financial costs substantially above those of regular schools, which leaves it dubious whether the needs of more than a small proportion of problem students can be met in this manner. Teachers in such schools tend to become isolated and live in a separate world of their own. Identification with these schools clearly can be stigmatizing, as they become known as places for "bad boys." Insofar as delinquents with official court records are mingled with undifferentiated problem cases from the regular schools, the problem of stigma will remain.

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[13] Edward H. Stalken, Chicago's special school for social adjustment, *Federal Probation*, 1956, 20, 31-36.

[14] Paul Hoover Bowman, Effects of a revised school program on potential delinquents, *Annals of American Academy of Political and Social Science*, 1959, 322, 53-61.

[15] Los Angeles County supports special schools comparable to those of New York and Chicago, but theirs is a consultative rather than an operational relationship with the county school system. Apparently these schools cooperate with a number of agencies in making a special effort to counteract the overreach of law and to find nonlegal means of dealing with truancy, expulsion, and drug abuse. Information from David Bisno, Deputy Director, Department of Community Services, Los Angeles County.

In the last analysis, special schools will have to be evaluated on what they do and what their unanticipated as well as planned consequences are. In a sense this may hinge on how "special" they are or become. To the degree that their pattern of organization is permeated by a theme of ministering to a class of defective deviants whose actions are "symptomatic," and who require special techniques for restoring them to normality, deviance may be left untouched or it may be complicated. Makarenko's words, however alien they may sound, need careful thought in this connection:

> I am absolutely convinced that creating a special abnormal pedagogy to deal with delinquents tends to foster deviation in youngsters, while on the other hand, a positive, purposeful approach to them transforms their collective very quickly into a normal one.[16]

"Positive purposeful approach" is a phrase whose meaning is elusive, but probably it refers to that which is meaningful in terms of the normal problems of "growing up," acquiring a satisfactory job, and managing personal lives short of public disgrace, arrest, and incarceration. Somehow these problems must be met in ways which preserve youths' identification with their normal age and educational status. Variants some have to be, but ideally, conditions will be planned so that they are normal variants. For this reason it may be that, generally, differentiated programs and schools, such as work-study, all-day neighborhood schools, and continuation schools, which originate from the changing needs of societies and local communities, are better suited to achieving minimum ethical-social requirements without fostering self-conscious deviance in students. The concept of special schools or special education may have to be abandoned in favor of a large concept of adaptive education.

Teachers as Cassandras

In many instances the institution of special classes and special schools for deviants has been inspired by collective alarm and indignation about "outbreaks" or "rising tides" of delinquency either invented or exploited by aggressive journalism. In some places, such as New York, this has centered around reports of vandalism, disorders, and assaults in the schools themselves; elsewhere, community groups have been aroused by publicity given to police statistics showing drastic increases in rates of delinquency. The rationale for support of special programs in schools which comes out of these collective anxieties frequently has been that of *preventing* delinquency. This is a catchword of admitted utility which unfortunately lacks clarity. It may imply an objective of reducing recidivism among official delinquents or the imposition of restraints on gang conflicts. But such programs also get organized or extended into so-called "early identification and prevention." The ultimate in such early detection and prevention was reported in New York City, where it was blandly asserted that portents of delinquency could be discerned among children in kindergarden!

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[16] A. S. Makarenko, Problems inherent in soviet school education, in *Soviet Educators on Soviet Education*, Helen B. Redl, ed., New York, London: The Free Press of Glenco, Collier, Macmillan, 1964, p. 151.

When schools get drawn into social action designed to prevent delinquency, the resultant ad hoc organization tends to reflect the structure of values and conflicts within the school system. Despite the participation of behavior specialists in the screening process, teachers and administrators are the ones most likely to dominate decisions about students considered "at risk." For example, in one such program in Detroit, one-half of the membership of the steering committee were from the Board of Education, while the action teams in the schools had as chairmen assistant principals. Two teachers, an attendance officer, and a school nurse made up the rest of the team.[17]

The strategic positioning of teachers in these projects is closely tied to an accepted belief in their acuity as delinquency predictors. An important fact which is overlooked in enthusiasm for the teachers as prognosticators of evil youth is that they characteristically overpredict delinquency. This came to light in the Cambridge-Somerville study in which 55 percent of those judged to be predelinquent by teachers and police stayed free of trouble.[18] Similarly in a Minnesota study it developed that of approximately 15 percent of students forecasted by teachers as predelinquent, less than half actually became delinquent.[19] Finally, no less important, teachers vary tremendously in the proportions of their charges for whom they prophecy delinquent careers; some find none at all in their classes, while others identify as high as 100 percent.[20] It is not at all clear that teachers making delinquency predictions are responding solely to conduct problems, a matter which will be discussed more in a later chapter.

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[17] *The Detroit School and Community Project for Reducing Delinquent Behavior*, Detroit Board of Education and Detroit Committee on Children and Youth, 1956.

[18] Edwin Powers and Helen Witmer, *An Experiment in the Prevention of Delinquency*, New York: Columbia University Press, 1951.

[19] S. R. Hathaway and E. D. Monachesi, *Analyzing and Predicting Juvenile Delinquency with the M.M.P.I.*, Minneapolis: University of Minnesota Press, 1953, p. 38.

[20] W. C. Reckless, S. Dentz, and B. Kay, The self component in potential delinquency and potential non-delinquency, *American Sociological Review*, 1957, 22, 566-570.

Given such teacher pessimism about delinquency prospects, one hazard of school sponsored delinquency-prevention programs is to create problems where none exist or to complicate problems that do exist. This is more than mere speculation, for one of the chief criticisms of referrals to New York's 600 schools has been that screening is needed to exclude students who do not need treatment.[21] For some students, being subjected to treatment for potential problems may fire resentments or encourage truancy. Records made of predelinquents may work to their disadvantage later in encounters with police or on referral to a probation department. Finally, it is uncertain that any definite results are brought about by prevention programs, and undetermined whether delinquency can be predicted or prevented—a question to be discussed more in a subsequent chapter.

A School Model for Diversion

As far as can be determined, only one State, New Jersey, has lent its sanction and support to a policy for defining youth problems primarily as educational, to be dealt with in the context of the school. This pattern was fathered in 1931 by a conviction of Mayor Hague in Jersey City that children in trouble should not be subject to arrest, and if at all possible should not be sent to juvenile court. At that time a Bureau of Special Services charged with handling youth problems was constituted within the Board of Education. The result was a decline in juvenile court cases from 1974 in 1930 to 684 in 1954.[22] Another index of change: whereas in 1930, 520 children were sent to institutions, ten years later in the 1939-40 school year, only three children were committed.[23]

In 1937 a Children's Bureau, following the Jersey City precedent, was set up in Passaic. At first its ties to the school were only marginal, but after substantial public controversy it became an integral part of the school system. The official purpose of the Bureau was to deal with truancy and juvenile delinquency, to prevent their occurrence, and to work through readjustment of children's problems, thus to make it unnecessary to invoke the law. The director was an assistant superintendent of schools; staff consisted of police investigators and attendance officers. The work of the Bureau was planned to supplement but not replace the guidance services already established in the Passaic schools. The legal basis of authority for the

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[21] Carol Smith, The "600" schools, *Education,* 1959, 215-218; *Juvenile Delinquency Evaluation Project of the City of New York,* 1961, New York, p. 41.

[22] Sophia Robison, *Juvenile Delinquency,* New York: Holt, Rinehart and Winston, Inc., 1960, p. 21.

[23] William C. Kvaraceus, *Juvenile Delinquency and the Schools,* New York: World Book Company, 1945, pp. 228-230.

Bureau's work derived from statutes giving attendance officers in schools broad investigative and disposition powers in cases of "incorrigible, vicious and immoral students" as well as truants. Statutes also forbad any minor being taken to a police station.

Several instructive facts emerged from the working experience of the Bureau. Although the increase of nonpolice referrals was less than had been hoped for, still one-half in 1939 were by schools, welfare agencies, individuals, and parents. A comparative analysis of cases in juvenile court and those serviced by the Bureau disclosed a tendency for less serious cases to come to the latter, while felony-type violations went on to the court. The crime rate in Passaic compared to that in the State and in the Nation dropped decidedly between 1937 and 1941, a fact directly attributable to a decrease in the percentage of youth being referred as juvenile court cases.[24]

The experience of the Bureau of Special Services in Jersey City revealed a jump of 100 percent in numbers of cases handled from the first to the second year of existence. Thereafter totals declined, so that by 1942 they were below the 1932 figure. At the same time juvenile court cases declined impressively for the period, but it would be wrong to conclude that a phenomenal overall decrease in youthful misconduct really occurred. Undeniably a part of the decrease was due to growing resistance by citizens and some police to the methods used by the Bureau. Among persons in the community favoring punitive measures there grew a feeling that it was futile to refer children to the Bureau. Business leaders apparently shared this view and came to believe that police were unwilling to take children into custody because Bureau police made this rebound to their discredit. One result of this was that in 1944 the chief of police took action to grant more autonomy in the handling of children's cases.[25]

Conclusions

The Passaic Children's Bureau has prevailed in a way sufficiently impressive to cause the New Jersey legislature to pass statutes in 1959 which enable school boards to establish Children's Bureaus throughout the State under their authority. It is not known how many have done so, and some areas have preferred to adopt other forms of organization to attack problems of youth.[26] Sociological questions still remain about the possible unanticipated consequences of the Passaic model, but even granting its "success," there is much doubt that it can be generalized to other areas or to other States. Passaic is unique in a number of respects which account for its receptivity to a school model. It has, or had, a dense, heterogeneous population of Central and Southern European origins, many of whom are Slavic descendants. The Negro population remains low, 5 percent, and parochial school populations are very substantial. There is no family welfare agency in the community, which suggests the possibility that the Bureau may have filled a void, or conceivably benefited from weak or absent competition from intrenched interests of conventional welfare agencies.

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[24] *Op. cit.*, Chapter III; George C. Boone, The Passaic Children's Bureau, *Crime and Delinquency*, 1961, 7, 231-236; Thomas W. Hopkins, Common sense in crime prevention, *The Prison World*, 1941, 21-27.

[25] William Kvaraceus, *op. cit.*

[26] George C. Boone, *op. cit.*

The Passaic Bureau essentially achieves the goal of putting youth problems into a nonlegal context, and thus it may be said to divert cases otherwise destined for official court processing. Keeping truancy and student insubordination as clear responsibilities of the schools is an important means to this end. Arranging restitution through Bureau auspices is another way of encouraging normal community problem-solving in cases of property destruction. How far the work of the Bureau reduces the volume of youth problems through direct normalization, writing off, as it were, minor deviance, or raising community tolerance for it, cannot be determined. Stressing early detection and prevention, which apparently is part of Bureau policy, works at opposing purposes.

One firm conclusion coming from examination of the Passaic model is that any plan to locate a comprehensive diversionary system in the schools must work out a relationship with police which, while subordinating them to an educational organization, still leaves them sufficient autonomy to take action to protect community interests when critically necessary. Likewise, the ubiquitous suspicion of more conservative community elements that an educational system of dealing with errant youth is a cloak for leniency must be counteracted.

The Climate of the Times

Although the schools have a strong appeal as potential sites for organizing efforts to channel deviant youths elsewhere than to court, there seems to be an unwillingness on the part of administrators to become too deeply involved. This is understandable in the light of the many serious handicaps, economic and otherwise, which schools suffer in carrying out what might be called their normal functions. Finding solutions to these difficulties has been greatly complicated at the present time by the conversion of schools into battlegrounds for warring groups within the community and Nation. Indeed, in many ways American schools are second only to government as arenas of political controversy. Too often the quality of education has been lost sight of in frenzied efforts to gain dominance for special views, which has happened in the intense controversies over racial desegregation.

Apart from overcoming the inherent institutional tendencies for schools to encapsulate their activities to defend themselves from outside attacks, it is untimely to propose the school model for the purposes which are under consideration. Further differentiation of the schools' functions will only complicate their formidable problems of finance and taxation. But the most important hindrance to choice of the school model for diversion is the amplified strain that would follow by adding another very sensitive area of parent-child-community relations to the already sensitive one of parent-child-schools relations.

Chapter III. The Welfare Model

The welfare model for diverting problem children from juvenile courts in essence is an administrative agency, public in nature. While it is responsible to a national or a State Department of Social Welfare, it is primarily local. Its work is carried out through a board or a council, whose members may be elected or appointed, in such a way that they will represent groups or interests within the community. The council has full authority to make decisions about the disposition of cases coming before it, and its members themselves may undertake to provide services. In more developed form a professional staff conducts investigations for the council and takes cases under supervision.

In purest form the welfare model completely replaces or functions in lieu of a juvenile court. This, for example, is the arrangement in Scandanavian countries, such as Sweden, which has no system of juvenile courts. In modified form the special welfare councils share authority or jurisdiction over childrens' problems with juvenile courts; this will be the situation in England when new legislation there is put fully into effect. Jurisdiction over children up to the age of criminal responsibility may be plenary or it may be qualified in instances of serious crimes, such as murder, which must be tried in criminal courts. Councils also may share jurisdiction with regular criminal courts over older youth.

There is a strong element of positivism in the welfare model, expressed in the idea that for children below the age of criminal responsibility, the application of measures to overcome problems of neglect, waywardness, and violations of laws should be part and parcel of a comprehensive child and youth welfare service. Justification for the administrative cast to the welfare model comes from the necessity to construct, staff, maintain, and supervise a variety of childrens' institutions. Along with this there must be procedures to select and regulate foster homes, and facilities for the examination, observation, and specialized treatment of more complicated cases must be established. Finally, administrative organization is needed to uphold standards among workers given responsibility for the supervision of children.

Problems Inherent in the Welfare Model

Several problems more or less inhere in the positivist philosophy and state-organized character of the welfare model. First of all a child welfare board takes a range of actions which necessarily intervene into the "normal," "natural," or routine functioning of family life. It may curtail the control of parents over their children, it may remove children from the home, or even treat the home as unfit and formally divest parents of all authority over their children. While some parents may welcome this, others strongly resent and resist such actions. Questions arise as to whether decisions of grave and fateful import for the child and its parents can be reached effectively or wisely by administrative procedure, and also whether personal rights *should* be divested by actions which are administrative rather than legal in nature.

Another kind of problem lies in the relationships of child welfare bodies to the courts in those cases in which children or youth have committed serious law violations involving personal harm or substantial property losses. Here the issue is whether a welfare model for coping with childrens' problems can represent and protect the interests of society and of victims, and maintain respect for law as well.

A final set of questions revolves around the purposes of social work, the current applicability of its techniques and its place in modern society. While the relevance of social work to problems of dependency and neglect of young children has pretty well been taken for granted, the utility of social work in working with youthful law violators is subject to debate.

Origins of Child Welfare Councils

Ministering to the needs and problems of children and youth under the auspices of State welfare organization historically has been confined to Norway, Sweden, and Denmark. More recently this pattern has been the subject of considerable public discusssion and parliamentary legislation in England.

Child welfare councils originated in Scandanavian countries around the turn of the century, about the same time the American social movement for establishment of juvenile courts began to emerge. As far as is known, however, there was no direct connection between the two developments. Just why the Scandanavian countries went in one direction and America in another is not clear. The idea of social justice certainly was in the air on both sides of the Atlantic, and there were groups in Illinois which wanted dispositional power over wayward children delegated to private welfare organizations.[1] Likewise, some evidence suggests that supporters of the American juvenile court movement hoped or expected that probation committees (later juvenile justice commissions) would assume an active role in working directly with children's problems.

It may be that the differences between America and Scandanavia can be attributed to the greater concern with juvenile delinquency and its possible institutional treatment in the latter countries; Americans in contrast were more perturbed about the sorry plight of children in jails and youth in prisons. Another important underlying difference was that the age of criminal responsibility originally was higher in Scandanavia than it was in Illinois, where the first juvenile court came into being.

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[1] Anthony Platt, *The Child Savers*, Chicago: Aldine Publications Inc., 1968, Chapter 5.

The Norwegian Child Welfare Council

The pristine model for child welfare councils was formulated by legislation in Norway in 1896. This drew ideas from a survey of foreign reformatory systems published by Bernhard Bertz. This writer was particularly impressed by an administrative-type correctional agency in Hamburg, Germany, made up of laymen, plus representatives of local government, school authorities, and the board of public assistance. The agency had power to commit juveniles for reformatory training. Cases in which parents refused to give consent to this procedure were sent for consideration by local guardianship courts.[2]

The Norwegian child welfare boards incorporated the main elements of the Hamburg system, but without its duality, or conditional jurisdiction. Boards were to be composed of a clergyman, a medical doctor, a legally trained judge, and four other members to be elected by the communal government. The council chooses its own chairman, who frequently is the judge, especially in rural districts. Any case in which the council considers legal matters (hearing evidence) requires that the judge preside as chairman. The council possesses full inquisitorial powers and may call on the police for assistance in its inquiries. The only concession made to the rights of parents is a requirement that when their objections or reservations are stated in writing they must be considered.[3]

The Swedish Child Welfare Council

While the child welfare councils of Sweden were modeled after that outlined in the 1896 Norwegian law, they go further in the direction of administrative authority and autonomy. The Swedish law does not require presence on the council of a member trained in law; it does no more than say, "if possible," there should be one so qualified. The council consists of five members, one a pastor of the Lutheran State Church, one a public school teacher, and at least two chosen for their special interest in and dedication to the care of children and youth. Usually all members are elected by the Communal Council for a term of four years; they serve without pay, or at most, receive a small fee for their services.

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[2] Ola Nyquist, *Juvenile Justice*, Cambridge Studies in Criminology, London: Macmillan & Co. Ltd., 1960, pp. 145-150.

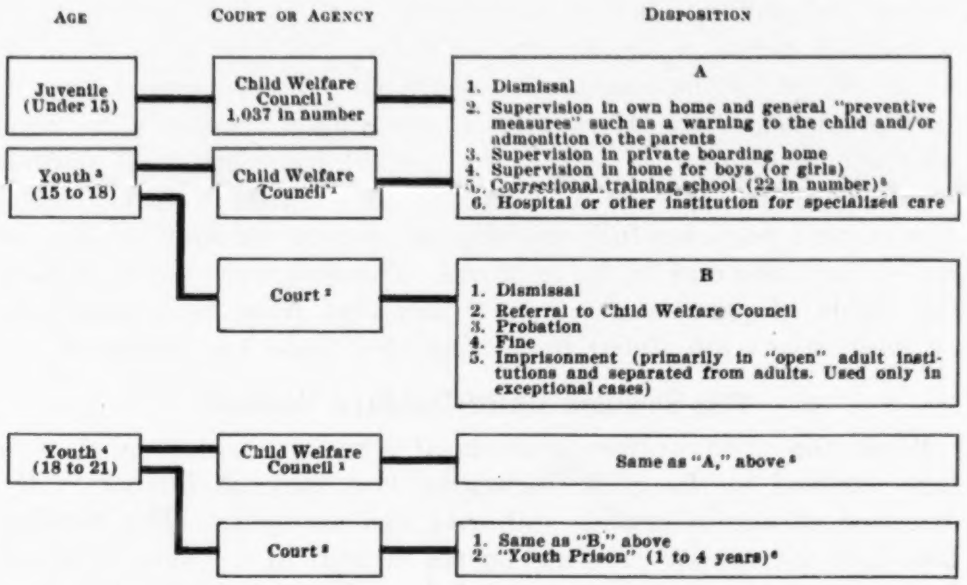
[3] *Lawless Youth*, M. Frye, et al., eds., International Committee of the Howard League for Penal Reform, London: George Allen and Unwin, 1947, pp. 212-220.

In 1956 there were 1037 such councils in the country, organized and supervised in 24 larger administrative districts. Above these is the administrative bureaucracy in Stockholm, the Social Welfare Administration, which is comparable to the United States Department of Health, Education, and Welfare. A good part of its work is carried out by child welfare consultants and child care assistants.

The distinctive feature of this system is the absolute jurisdiction of child welfare councils over children below age 15, none of whom can be sent to court. They must be referred to the councils and there be treated primarily as welfare problems. Youths 15 to 18 years and those 18 to 21 may be diverted from courts to the child welfare councils at the discretion of the public prosecutor, to whose office they are first sent. Court trials for youth in these older age categories are held apart from those of adults, and even though charges are found to be proved there, they may still be referred to a child welfare council. Outlines of the system are shown in Figure 1.[4]

FIGURE 1*

SWEDEN'S SYSTEM OF HANDLING JUVENILE AND YOUTH OFFENDERS


AGE
COURT OR AGENCY
DISPOSITION
Juvenile (Under 15)
Child Welfare Council¹ 1,037 in number
A
1. Dismissal
2. Supervision in own home and general "preventive measures" such as a warning to the child and/or admonition to the parents
3. Supervision in private boarding home
4. Supervision in home for boys (or girls)
5. Correctional training school (22 in number)⁵
6. Hospital or other institution for specialized care
Youth³ (15 to 18)
Child Welfare Council¹
Court²
B
1. Dismissal
2. Referral to Child Welfare Council
3. Probation
4. Fine
5. Imprisonment (primarily in "open" adult institutions and separated from adults. Used only in exceptional cases)
Youth⁴ (18 to 21)
Child Welfare Council¹
Same as "A," above⁵
Court²
1. Same as "B," above
2. "Youth Prison" (1 to 4 years)⁶

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[1] "Child Welfare Council" is the name generally applied to this social welfare council. The name "Youth Welfare Council" may, according to law, however, be applied when the agency is dealing with youth, i.e., those about 15 to 18 years of age.

[2] Ordinary criminal court of first instance.

[3] The choice between the Child Welfare Council and the Court depends on the decision of the prosecuting authority.

[4] Youth offenders in this age group are as a rule first brought before court.

[5] Placement in correctional training schools is the most common disposition of the Councils for the age group 18 to 21 years.

[6] Correctional training institutions for this age group only.

*Source: Ola Nyquist, How Sweden handles its juvenile and youth offenders, *op. cit.*

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[4] Ola Nyquist, How Sweden handles its juvenile and youth offenders, *Federal Probation*, 1956, XX, 36-42; *Social Services for Children and Young People in Sweden*, Stockholm: The Swedish Institute, 1948, pp. 3-16.

It should be noted that provisions for referral of youth offenders 15 years and over to child welfare councils before or after court hearings actually are an extension or further application of the original legislative plan, which was designed for children below the age of criminal responsibility. This change took place in 1954 and resulted in a number of problems, because personnel and facilities were inadequate and because controls over the councils and services were extremely decentralized. While these problems have been overcome in recent years, others remain which seem to be more or less inherent in the structure of the system.

There are no detailed research studies revealing how child welfare councils operate on a day-to-day basis. The manner in which allegations are made, by whom, how witnesses are heard, the quality of evidence and its evaluation are unknown factors, as is the nature of the volunteer supervision of cases. Nor is there any information on factors underlying dispositions, which are determined by vote, with a majority prevailing in cases about which the panel disagrees. While such a system may work well enough in a small homogeneous commune, whether the same is true in urbanized areas of Sweden still needs to be examined. Two definite criticisms, however, have been made by a qualified observer: (1) the welfare councils are not well suited to handle cases of more serious youthful offenders, and (2) procedures of the councils involving the removal of a child or youth from his home are sufficient abridgement of personal rights so that they require legal proceedings and the decision of a court rather than the discretionary decision of an administrative agency.[5] An indication of the degree to which the administrative pattern of the child welfare councils skirts this problem comes out in code phrasing of the official attitude to be assumed toward the presence of attorneys at hearings. Although they may be present, ". . . if the council shows lack of skill or judgment or is otherwise unsuitable he may be rejected."[6]

Interorganizational Conflict

The assertion that child welfare councils are not well suited to handle more serious offenders is supported by evidence of conflict with public prosecutors in cases of youth 15 to 18 years of age, for whom there is overlapping jurisdiction. In certain types of minor offenses the prosecutor may simply waive prosecution and he is not thereafter concerned to see any further steps taken by the council. At the other extreme, in very serious offenses where the issue becomes one of crime prevention, he may forthwith proceed to prosecute. The difficulties come with a third class of "middle range" cases, in which the prosecutor must consult with the child welfare council before making his decision to waive or not to waive prosecution. Conflict often arises, primarily interorganizational in nature, from infra-legal sources. Although the law nowhere specifies their right to do so, the prosecutors tend to impose conditions on the child welfare councils. If they do not agree, then the prosecutors do not waive prosecution.

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[5] Ola Nyquist, How Sweden handles its juvenile and youth offenders, *op. cit.*, p. 41.

[6] *The Child Welfare Act of Sweden*, translated by Thorsten Sellin, Stockholm: Ministry of Justice, 1961, p. 15.

The actions of public prosecutors in disputed cases have their roots in their commitments to protect society by preventing crime through the use of deterrent measures. Hence, while they may be willing to have a youth benefit from the special measures available for use by the child welfare councils, the prosecutors may want some degree of punishment added to them. For example, the prosecutor may request that a warning be issued by the council as a condition to waiving prosecution. There is, however, no assurance that this will be done. The council may proceed differently with each of three youths involved in a common offense, two being subjected to supervision, while the third is dismissed, whereupon the prosecutor may elect to prosecute the third.[7]

Probably the worst effects of the conflict are seen from the point of view of the delinquent, for the actions taken by the dual or overlapping sets of authorities are inconsistent, confusing, and difficult or impossible to predict. They produce what some organization analysts have termed "cognitive dissonance," a condition likely to undermine or nullify the goals of both agencies.[8]

> The young people who are granted waiver of prosecution by the Public Prosecutor obtain their treatment either from staffs of the Board or arrangements made by them. Sometimes even the decisions about the waiver of prosecution are communicated to them by social authorities and not by the Public Prosecutor. In that way the young delinquent who has difficulties in understanding the complicated system gets utterly confused. He does not understand the connection between the measures carried out by the Board and the waiver of prosecution which is granted by the Public Prosecutor. It is furthermore possible that the social authorities start by using some preventive measures which are at their disposal if, after getting the report from the police, the members of the Board are of the opinion that such an immediate use of a measure is adequate. Two or three months later the Public Prosecutor may have made his decision and found that from his point of view the only adequate means to be used in combination with waiver of prosecution is to take the young delinquent into custody and place him in a treatment center.

An analysis of the interorganizational conflict between child welfare boards and prosecutors' offices has shown that it generates from a variety of very fundamental differences between them. These have to do with social structure, recruitment and training of personnel, roles of decision makers and conditions of decisionmaking itself. Public prosecutors' offices are highly rationalized, hierarchical, state organizations, whereas the Boards are pluralistic, local, and loose in their aims and procedures. Public prosecution is a male profession which draws for its recruits from the upper middle and middle classes. In contrast, the Board staff tends to recruit mostly females of middle class and working class origins. Board people are well disposed toward waiver of prosecution for treatment purposes, but not so prosecutors, who must set aside their accusatory, probative techniques and values to play a mixed role which is essentially that of a judge-prosecutor. In making their decisions, prosecutors are normative and past oriented, i.e., toward past criminal activity, while Board people are concerned with individual consequences and are future oriented.[9]

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[7] Britt-Mari Persson Blegvad, A case-study of interorganizational conflicts, *Scandanavian Studies in Criminology*, 1968, 2, 20-40.

[8] *Ibid.*, 36ff.

The provision for waiver of prosecution was widely used in Sweden following its introduction in 1944. The number of cases so handled almost quadrupled from 1950 to 1958, at which point they levelled off and began to drop. Paralleling this, the percentages of all cases which waivers constituted began to drop. The change was a direct result of a policy shift made in the Head Prosecutor's office, from which it was announced publicly in a circular letter that welfare boards showed excessive leniency in dealing with cases. Looming in the background of this charge were larger social changes—a substantial increase in crime generally, and the appearance of narcotics offenses for the first time as a serious problem. Apparently extensive legislative discussion and debate on the issue took place. Some changes in the law were made, but it is doubtful if the underlying sources of the difficulties have been or can be eliminated.[10]

In summary, it seems clear that the Swedish welfare boards are well adapted to handling juvenile offenders under the age of criminal responsibility. Cases that would otherwise be labelled and processed as those of crime or delinquency are defined and treated as welfare problems, without formal distinction from neglect and dependency. To what extent the prevailing arrangements normalize youthful misbehavior and leave it as incidents of everyday existence cannot be determined. The absence of a right to counsel leaves the possibility that state control over youth may be assumed without full evidentiary justification, and the presence of Lutheran pastors on the Boards suggests to the sociologist that extraneous moralistic considerations can affect their decisions. On the other hand, cultural factors peculiar to Sweden may lead to discounting kinds of juvenile sexual activity likely to cause concern in American community settings. Balancing this, however, are special legal procedures for controlling intemperance, which may make for heightened sensitivity to drunkenness among minors. All of this is speculative, however, and is set down only to point up some of the kinds of questions about the Swedish system needing to be investigated.

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[9] *Ibid.*

[10] *Idem.*

In the strictest sense the Swedish welfare boards are not diversionary institutions, for there are no juvenile courts from which cases are diverted. Furthermore, the kinds of measures or dispositions they employ give them the resemblance of juvenile courts, particularly when it is noted that youths may be sent to special homes and to correctional training schools. How far welfare or social work values pervade the administration of such institutions is not known. However, supervision of children in their own homes or in boarding homes may be presumed to be carried out in close conformity with social welfare philosophy and goals. This may be the truly distinctive feature of the Boards. In addition, of course, a truly diversionary function is performed by the Boards in cases of offenders of 15 to 18 years; diversion, however, is from the regular court system.

A proposed new departure for conversion and diversion of delinquency into the realm of welfare problems, striking much closer to situations in American society, is taking place in England. England, like American States, already has a juvenile court system, which in recent years has come under criticism. Groups there have been seeking to modify the structure of the court and its procedures so that children now being formally found guilty of crimes can be dealt with as "care and protection" problems.

English Juvenile Courts

Although England has had juvenile courts or analogous procedures almost as long as the United States, they have been much more legalistic, on the whole resembling scaled down and modified criminal courts. Until recently the age of criminal responsibility has been low, so that youth as young as ten years could be made to stand trial, with the expectation that they will defend themselves, i.e., testify in their own behalf, cross examine witnesses against them, and argue merits of their cases. The dominance of legal and community-protection values was guaranteed by formal charges and findings of guilt. Only after such findings were made were the juvenile courts directed to "take into consideration the welfare of the child" in making dispositions.

The conservative form of the English juvenile courts must be attributed to a deeply rooted cultural orientation toward preservation of "immortal rights of Englishmen" hard won in historical battles against arbitrary rule. Close born with this was a strong belief that court proceedings have important educational and indoctrinating functions. They are believed to instruct youth and inculcate respect for law. Finally, this form represents a perpetuation of a more traditional juvenile court gained from the enduring adherence to a grass roots kind of justice in which appointive lay magistrates played conspicuous and important roles.

The movement to change the English juvenile courts seems to have been a post World War II phenomenon, the full ramifications of which are not easy for an American observer to fathom. However, it is a fair estimate that English proposals to change existing institutional provisions for problems of children and young persons have had definite political overtones, following along the cleavages between the Labour Party and Conservatives. In the eyes of many persons the juvenile court stood too strongly for older values of English society ill suited to its changing conditions. The qualifications of magistrates are a case in point. Appointments tended to go to landed gentry, titled persons, successful business and professional people, or to upwardly mobile individuals well committed to upper class values. Their perceptions and comprehension of the problems of working class children and youth whose cases they hear and dispose at best were tenuous and often colored by their prejudices and values. The extensive use of fines against an already impecunious class of youngsters, and a counting house attitude toward their collection was another smouldering grievance. Finallly, while not as pronounced as in the United States, growing tension existed between police and working class persons.[11]

In contradistinction to England, Scotch proposals to change the juvenile courts emanated from highly conservative persons, but their content proved even more radical.[12] This in part may have been due to the confused state of juvenile justice in Scotland, which had four different procedures or court systems for handling offending minors. The more immediate and explicit dissatisfactions with juvenile courts in both areas were with the established practice of charging and trying children who were quite young and immature by modern criteria for crimes which often were petty in nature, e.g., theft of a quart of milk, taking coins from gas meters, riding in subways without payment, and shoplifting small items from stores, such as glue for building model airplanes.

Open dissatisfaction with English juvenile courts began to be voiced in the 1950s. Clearly stated criticisms and a variety of ideas for altering the juvenile courts appeared in a series of reports and government papers, beginning with the Ingleby Report in 1960. This placed a central emphasis on fundamental contradictions in principles under which the English juvenile courts operated, which impelled them to take jurisdiction on one ground, then make dispositions on totally different grounds.[13]

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[11] This is based on data collected by the author during a two-months study of the English juvenile courts in 1967, supported by a grant from the Institute for International Studies, University of California, Berkeley.

[12] Alistair R. Brownhe, The Kilbrandon Report, *Criminal Law Review*, 1964 (July), 501-504.

> The weakness of the present system is that a juvenile court appears to be trying a case on one particular ground and then dealing with the case on some quite different ground. It results, for example, in a child being charged with petty theft or other wrongful acts for which most people would say no great penalty should be imposed, and the case ending in a disproportionate sentence.

Other specific criticisms made of the English juvenile court were that the magistrates are not chosen with an eye to special qualifications for understanding and disposing of childrens' problems, and at times they are admittedly confused about their purposes. Further, the system of putting responsibility for his own defense on the child or on a parent does not work well, and the lack of representation by counsel means that magistrates at times have to guide cross-examinations or take them over entirely. Lastly, while disproportionate sentences dispensed by the magistrates' panels theoretically can be corrected on appeal, for which counsel was assigned, appeals were not very often taken.

While members of the Ingleby Committee recognized the problems of the juvenile court, they were unable to overcome an abiding conservatism. It was recommended that the age of criminal responsibility be raised somewhat and that jurisdiction over delinquency and care and protection type cases be combined. But in essence the principles of strict legality and extant juvenile court organization were reaffirmed. The tangible results of the Committee's work were the raising of the age of criminal responsibility from 8 to 10 years in 1965 and the initiation of greater consultation between police and Childrens' Departments in local authorities.

It remained for the Kilbrandon Report and a government white paper to propose fundamentally different organization, procedures, and rationale for ameliorating childrens' problems and delinquency. The former boldly advocated abolition of Scotland's topsy-grown juvenile courts, with the argument that criminal procedure is inappropriate to handling of juvenile offenses, which, it was stated, are due to "stresses and strains of development," primarily of family origin. In place of juvenile courts, juvenile panels were to be created under a new department of social education. The ideal advanced was to treat all problems of children under age 16 on an individual basis in the light of full information as to the child's personal and environmental circumstances.

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[13] *Report of the Committee on Children and Young Persons*, London: H.M.S.O., Cmnd., 1191, 1960.

The juvenile panels would consist of three lay persons appointed by the Sheriff to serve for three years, chosen for their special knowledge and experience with childrens' problems. Referrals to the panels would be in the hands of a legally trained official competent to decide legal issues and represent public interests. He would also act as legal adviser to the juvenile panel and administer its business. Parents were to be allowed to attend hearings, without, however, representation by counsel. Cases in which the facts were contraverted would be tried by ordinary procedures in sheriffs' courts (which already have jurisdiction over certain kinds of juvenile offenses). A distinctive part of the Scottish plan, similar to that of Swedish Welfare Boards, was compulsory power to administer treatment, if necessary by placement in an approved school or in an institution. The Kilbrandon Report, contrary to the Ingleby Report, gave approval to police liaison schemes, chiefly as a further means of directing community support to the families of errant children.[14]

The same forces which apparently led to the appointment of the Ingleby Committee sustained continuing efforts to break away from the established modes of dealing with delinquency. In 1964 the British Labour Party published a compact statement criticizing English criminal justice, along with a proposal to abolish the juvenile courts. In their place it was recommended that there be Family Service Committees with civil jurisdiction to assume responsibility for the delinquency of children under the age of 16. Coercive powers were to be assigned to a Family Court, to be invoked when voluntary agreements with parents and child could not be reached or when it was necessary to remove a child from his home. This court also would receive delinquent youths age 16 to 18 years. Offenders age 16 to 21 were to be processed by a Young People's Court.[15]

A somewhat more concise formulation of the Labour Party plans were presented in a government paper, *The Child, the Family and the Young Offender*. This urged the appointment of family councils, primarily of professional social workers who would receive referrals of delinquency cases under age 16, conduct investigations, and decide on dispositions in consultation with parents. If agreement could not be worked out or if the offenses were very serious, the case went on to a Family Court, which could make any disposition now available to a juvenile court, except in specified serious cases, which would be tried in assizes.[16]

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[14] *Report of the Committee on Children and Young Persons*, 1964, Edinburgh: H.M.S.O., Cmnd. 2306.

[15] *Crime—A Challenge To Us All*, Labour Party Report, Southwick, Sussex: The Grange Press, 1964, pp. 1-82.

[16] *The Child, the Family and the Young Offender*, London: H.M.S.O., Cmnd. 2742, 1966.

Criticisms and resistance to the enactment of recommendations of the Kilbrandon Report and the government white paper were quickly forthcoming, mostly from the magistrates and the probation service, whose immediate interests were at stake. The Kilbrandon ideas impressed some as assigning excessive powers to an appointive administrator, and to others the role of the legal advisor to the juvenile panels seemed ambiguous and conflicting. The white paper plan it was felt left the role of the probation officer unclarified, and there was disapproval of allowing children to be detained for observation without a hearing. The possible course and outcome of negotiations between parents and social workers in disputed cases referred to the Family Court also was questioned. Finally, [illegible] realistic possibility was pointed out that the stigma of juvenile court proceedings might or might not be eradicated by the proposed new procedures. The possibility remained that having "been before the council" might carry similar denigrating connotations.[17]

Parliament finally took definitive action in 1969 with the passage of a Children's and Young Person's Act, which reflected the thinking of still another white paper, *Children in Trouble* [18], and the reports of its own debates. This act is something less than revoluntionary for it retains the juvenile court. One large change was to raise the age of criminal responsibility from 10 to 14 years in stages, ultimately making all children under 14 eligible for care and protection proceedings only. At the same time, the act has complicated provisions framed to avoid bringing children before the juvenile court at all. The relevant directive specifies that while the local authority, constable, or authorized person (National Society for Prevention of Cruelty to Children) may bring a child before the juvenile court, he (they) must "reasonably believe" that the child needs care or control unobtainable save under court jurisdiction. This means that the police or the N.S.P.C.C. must first consult with the Children's Department of the local authority before any such action can be taken.

A second line of insurance that all extra-judicial means for treating a child will be explored lies in a requirement that the juvenile court as well must satisfy itself not only of adequate jurisdictional grounds but also that needed care or control will not be received unless a court order is made. Since the local authority makes the inquries needed for this determination and since it is the agency providing care, supervision, and treatment, it is obvious that it holds substantial power in the situation. Decisions as to specific kinds of treatment, including sending a child to an approved school, will rest with the local authority. Restraint of its power will lie in the right of appeal from its decisions, which may be taken at any time.

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[17] Winifred E. Cavenagh, What kind of court or committee? *British Journal of Criminology*, 6, 1966, 123-138.

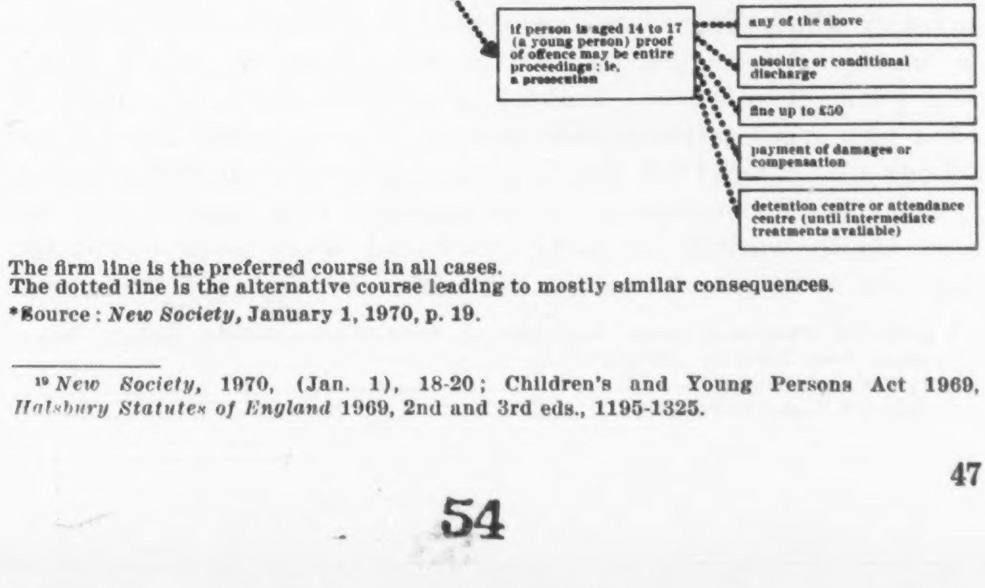
[18] *Children in Trouble*, London : H.M.S.O., Cmnd. 3601, 1968.

The new act allows the prosecution of youths ages 14 to 17 in juvenile court, but police in initiating the action must be satisfied that alternatives, such as caution, parental action, or action by the school or local authority, would not suffice. As with younger children, the juvenile court also must have inquiries made by social workers of the local authority before disposing of such cases.[19]

The Children's and Young Persons Act is a major move to divert a variety of childrens' problems and delinquency away from the juvenile courts. In a large sense it was or is an effort to seek a better balance of remedial opportunity, recognizing that affluent families already have informal means of avoiding charges in juvenile court and that such means should be made available to poor families to do the same. The Act puts a heavy measure of faith in social work and social workers who must carry out the responsibilities of the local authority. This was done advisedly, with knowledge of the need to more fully develop social work practice and to produce more trained workers. An assumption of those framing the legislation was that a large grant of responsibility to social workers would attract more competent persons to the field and refine its practices.

FIGURE 2*

LIKELY HISTORY OF A CHILD OR YOUNG PERSON UNDER THE NEW ACT


local authority (children's department or school)
report on domestic and school circumstances
arrangements agreed with parents
social work or other help
caution by police
child put in care of local authority
consultation
hospital or guardianship order (under Mental Health Act)
supervision order (with or without intermediate treatment)
child or young person alleged to be an offender or to be in need of care or control
police
juvenile court
if person is under 14 care proceedings only (if child is aged 10 to 17 proof of offence may be part of care proceedings)
parents bound over (social work or other help possible)
if person is aged 14 to 17 (a young person) proof of offence may be entire proceedings : ie, a prosecution
any of the above
absolute or conditional discharge
fine up to £50
payment of damages or compensation
detention centre or attendance centre (until intermediate treatments available)

The firm line is the preferred course in all cases.
The dotted line is the alternative course leading to mostly similar consequences.

*Source : *New Society*, January 1, 1970, p. 19.

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[19] *New Society*, 1970, (Jan. 1), 18-20; Children's and Young Persons Act 1969, *Halsbury Statutes of England* 1969, 2nd and 3rd eds., 1195-1325.

Potential Difficulties

Whether social work will rise to its challenge remains to be seen. But even so, other problems peculiar to English local government may complicate the application of high-level social work through the Children's Department. According to a study published in 1961, the Children's Welfare Committees of the borough and county councils reflect the cleavages and sharply drawn issues which separate the two political parties of the nation. Moreover, lay members become directly involved in particular cases in some areas, actually visiting homes, to the neglect of policy matters. This, of course, invades what is technically the field of case work and it risks undermining the relationships between social workers and their clients. Much in the same manner, administrative assistants, who preside over the area offices, at times go beyond their competence into activities properly belonging to the social workers.[20] Whether these practices merely reveal the ineptitude of the persons who make up the children's committees of the local authority or whether they are part of a kind of informal political reciprocity is not clear. If the latter is the case, then the upgrading of professional social work may face serious obstacles of a fundamental sort.

The substitution of action by the Children's Department for that of the juvenile court will call for the coordination of a variety of services to the child and family supplementary to casework treatment. Here again, problems of some magnitude may be experienced, for the loose and unintegrated nature of local goverment in Britain makes coordination difficult—a phenomenon observable in the almost casual working relationships of probation officers, Children's Department workers, and school agents who appear in juvenile court.[21]

This kind of problem occurs because various department heads in local government are responsible to the council or to committees rather than to an administrator. It was recognized in 1950 by the ministers of Health, Education, and the Home Office, who issued a joint directive to set up coordinating committees at the local level, but the effects were tangential. Initiative was seized by the Health ministry which directed its local visitors to provide casework services as an adjunct to regular health assistance. However, a study of how this works revealed that workers in question seldom go outside of their own organization to seek services. It also showed that medical officers who chaired the coordinating committees had little grasp of broader social ramifications of the problems they faced.[22] The fact that health workers so easily preempted what is conventionally regarded as the social rehabilitation of families suggests how tenuous and weak the position of social work is in the power structure of local government agencies.

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[20] Gladys M. Kammerer, *British and American Child Welfare Services*, Detroit: Wayne University Press, 1962, pp. 129-151.

[21] Author's observations.

[22] Gladys M. Kammerer, *op.cit.*

An interim conclusion is that the British planners seem to have adopted wholeheartedly a view that professional social work holds the greatest promise for diverting child and young person offenders from the juvenile court, but at the same time they leave a line of retreat whereby it is possible to fall back on court procedures should the plan fail. Whether the organizational blocks already alluded to can be overcome and whether financial support will be adequate to underwrite the necessary education and training of social workers are two large imponderables. Over and beyond this, British discussions of the applications of social work to the treatment of delinquency ignore or only obliquely touch on what has been regarded as an inherent dilemma of reconcilling casework principles with the use of authority. Finally, the British views seem overly sanguine —even myopic—when due heed is given to the widespread current disillusionment with traditional styles of social work in the United States.

The Social Work Dilemma

Early-day social work was moralistic and reform oriented. It uncritically identified itself with middle class values and sought to induce conformity among clients who deviated from moral and legal standards of the community. The use of authority for such purposes was not uncommon. As social work became more "scientific" or professional it sought to become amoral rather than moral. Work with the individual, particularly at the level of his feelings and attitudes, became the focus of social work techniques. Under the influence of psychiatric theories, social work in large part absorbed and adhered to this belief that deviant behavior is symptomatic, and that its task is therapy, i.e., to get at deep rooted, "real" problems of the clients. From this point of view, overt deviance was relatively unimportant and it might have to be ignored in order to achieve some kind of individual growth or self development. Social workers took a position like that of the psychiatrist, that it was not their job to enforce the law or even to report law violations of their clients. To do so ran a serious risk of destroying the delicately cultivated rapport between them and their clients.

For these reasons as well as for other practical ones, some American welfare agencies refuse to accept as clients children and youth who have been or are under the jurisdiction of the juvenile court. Conversely, many juvenile court judges and probation officers are ill disposed to place delinquent youth under the supervision of welfare workers because of their apparent willingness to risk community safety and ignore the ire of complainants to pursue treatment objectives. In consequence, welfare agencies unless they are public do not maintain much communication with court and correctional authorities.

There is, of course, another conception, that it is possible to pursue social casework within the restriction of authority imposed by conditions of probation, parole, or community protection. Those who share this view argue that a worker can gain and keep a client's confidence if the situation is clearly defined as a set of impersonal limits within which help is given; authority is one of these limits.[23] However, it may be questioned whether authority can be clearly defined in a bureaucratic setting subject to extraneous influences. In the English diversionary model this problem could prove to be acute since the Children's Department will have to assert authority in place of the court. A great deal will hinge on how successfully the Children's Department workers (and police?) persuade parents and youths to voluntarily cooperate in treatment, and to what extent negotiations are affected by open or implied threats to dispatch the case to juvenile court. If such threats do become significant, then English social workers may have to face the same dilemmas as probation and parole officers.

How Successful Social Work?

While a vast amount of money, time, and effort are invested in social work, no one as yet can say whether it ameliorates problems, leaves them unaffected, or worsens them. Social workers themselves have done comparatively little to test the outcomes of their efforts, and social scientists have not been interested in this type of research. One salient difficulty in the way of devising workable methods for doing so is that the goals of social work have not been clear. It has even been claimed that it is in the best interests of welfare agencies to keep their purposes generalized and diffuse.[24]

The small amount of research done on the efficacy of social work techniques in reducing delinquency is scarcely encouraging. One of the better known studies was the Cambridge Somerville Project in which a form of casework counseling was given to an experimental group of boys with predicted high delinquency prospects. Results were inconclusive in that the delinquency rates for the experimentals varied little from those of the controls.[25]

In 1967 a carefully designed experiment was instituted in New York City to see whether social work techniques could bring improvement in the behavior of problem girls. The subjects were selected according to criteria which indicated a strong likelihood that they were destined to become police or court problems. Underlying the experiment was a conviction that if problems could be reached and treated early enough no delinquency would ensue.

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[23] Kenneth L. Pray, The place of social work in the treatment of delinquency, *Social Service Review*, 19, 1945, 235-248.

[24] Alvin Gouldner, The secrets of organizations, *National Conference of Social Work*, 1963, 161-177.

[25] Edwin Powers and Helen Witmer, *An Experiment in the Prevention of Delinquency*, New York: Columbia University Press, 1951, 577 pp.

The outcome of the enterprise, again, as far as could be determined, was negative. To begin with, the singling out of individuals and their confrontation in casework interviews stimulated great anxiety and resistance among the girls, so much so that it was deemed necessary to abandon traditional casework methods in favor of a kind of group mental hygiene presentation. Even more significant than the poverty of results from the project was its revelation of the lack of insightfulness of social workers into the sociological implication of their activities and their apparent willingness to impose treatment in a way that invaded privacy and was implicitly degrading to the client.[26]

In the light of what has already been said in Chapter II about behavior or clinical specialists, it must be asked whether allocating official power to social workers to determine if children and families should be brought under treatment will not generate problems rather than diminish them. For example, there is some reason to believe that social workers' criteria of what is an unfit home are more stringent than those held by court officials. It may be, too, that the preference of social workers for long-term treatment prolongs "problems." The idea that all people could benefit from some treatment may also prevent normalizing otherwise uncomplicated deviant behavior. In some ways the current emphasis on "outreaching" programs and social action suggests that social work is swinging back to some kind of moralistic position.

Conclusions

It is very doubtful that the Swedish Child Welfare Council, which substitutes for juvenile courts, is a feasible model for American society. It seems better adapted to the special social and cultural qualities of Swedish society, especially its receptiveness to strong positivism in government, and to the existence of a viable public opinion at the commune level where the Councils function. However, the absence of built-in legal protections for children and parents coming under Council control, and reliance on administrative appeals would be totally impolitic in most American communities. The heterogeneity of our society, its high degree of urbanization, a tradition of compromise law, and extreme sensitivity to rights of individuals and groups all means that a more flexible, less structured model is indicated.

The new English legislation forsees the growth of a pattern or patterns which come closer to American needs. It anticipates the need to start from already established juvenile courts and bring about a transition to a new way of pre-judical handling of delinquency. The attractiveness of the English plan is that it is as much a model for change as it is a substantive model. Instead of trying to design and impose new organization, it seeks to create the conditions of change. The seeds of change lie in legal injunctions to the police and to the juvenile courts to make findings that the purposes they hold to cannot be achieved by other means before they take control. The essence of this might very well be termed conditional jurisdiction.

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[26] Henry J. Meyer, Edgar F. Borgatta, and Wyatt Jones, et al., *The Girls at Vocational High*, New York: Russell Sage Foundation, 1965.

There is no overriding reason why American States could not adopt legislation like that of England as a way to instigate a shift from judicial to diversionary processing for law-violating minors. Some areas of the United States have child welfare boards which conceivably could function in a manner analogous to the English Children's Departments. In other areas, however, child welfare is administered as programs and services under a division of general public welfare departments. Some counties have separate child welfare workers and some do not. Overall, their education and training for their jobs is limited and well below standards set for professional social work.

American local government, like that of the English, is not without its political problems. In many localities the county offices are run by a "courthouse gang" and are subject to very little civic surveillance. Merit systems have been observed more often in the breach than otherwise. Supervisors have not been above direct interference in the affairs of probation departments even when they are semi-independent or shielded by the power and prestige of a judge. A child welfare department charged with power over sensitive matters of delinquency might be even more vulnerable. But these are old issues, apt to be mooted by the swift pace of social change. A more serious reason for pause in giving over responsibility for delinquent children and youth to welfare agencies lies in the crisis in social work.

The crisis in social work has come with the recognition both within and outside the field that its methods, especially casework, are of doubtful worth and that social workers have become increasingly alienated from their clients, the poor and the needy. A number of reasons have been cited to account for the plight of social work: excessive reliance on therapy in the form of prolonged and indefinite series of interviews; a restricted conception of the social worker's responsibilities to clients; a narrow, doctrinaire conception of social work education; and the bureaucratization of practices.[27]

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[27] Scott Briar, The casework predicament, *Social Work,* 1968, 12, 5-11; George Brager and Francis Purcell, *Community Action Against Poverty,* New Haven, Conn.: College and University Press, 1967, Part I.

Given a state of crisis in social work and admitted lack of proof that its methods tangibly change behavior in desired directions, caution is indicated in turning to a welfare-type model of bypassing juvenile courts. Even if our States had upgraded, autonomous welfare departments staffed with professionally trained workers, it is doubtful whether it would be superior to the system which now exists. The invention of new organizational forms will not suffice, given workers whose perspectives have become anomolous. A whole new set of methods, values, and outlook may have to be developed by those who carry the burden of determining which behaviors and attitudes of children and youth are normal and which are deviant.

Chapter IV. The Law Enforcement Model

A community service worker, discussing with the author ways of diverting youth from juvenile courts, commented that "The police are the best delinquency prevention agency we have." This he meant in a very direct and literal sense, to wit, that since police make decisions about arrests and also make the great majority of referrals to juvenile courts, theirs is the strategic power to determine what proportions and what kinds of youth problems become official and which ones are absorbed back into the community. This becomes a very persuasive reason for constructing diversion models around police organization and operations; a further pragmatic argument in their favor is that any plan which does not allow substantial recognition and satisfaction of law enforcement values risks being ignored, indirectly undermined, or openly resisted. Police understandably are unlikely to remain quiescent if they believe that a diversion system is being used to protect serious law violators or to act as a shield behind which delinquent gangs or "subcultures" are perpetuated. Nor will police rest easy with methods of handling delinquencies which hamper their appointed tasks of clearing offenses and recovering property.

The Nature of the Law Enforcement Model

In its essentials the law enforcement model consists of specialized organization and practices integral to a police department, sheriff's department, or probation department. It also includes special techniques used to adjust problems of juveniles without court action. Generally these are outgrowths of discretion police have to arrest or not arrest offenders. The most common differentiation of police organization for this purpose is in the form of juvenile bureaus or fixed assignments of juvenile officers. Characteristic methods of the exercising of police discretion in handling juveniles are screening, counseling, surveillance, and referrals.

Screening is the process whereby minors suspected of law violations or delinquent tendencies are interviewed, a search made for the existence of prior police or court contacts, records evaluated, and decisions reached about what to do with the case in hand. A rough kind of screening takes place in any or most police-juvenile contacts but ordinarily it presupposes some kind of juvenile bureau and access to a record system. Here and there in less populated areas screening is done by consultation with a probation department. Cruiser patrolmen in large cities where electronic equipment is available can get needed information by car radio and make necessary decisions to release or take a youth to police headquarters.

Screening is a practical necessity in large urban jurisdictions because far more complaints against minors are made than action can be taken on or can be processed. However, screening is also motivated by beliefs of police that youthful offenders have a great potential for reformation or that they deserve a "second chance." Added to this is a conviction that rehabilitation is possible at the police level. Screening results in about one-half of all minors who come to the attention of police nationwide being "handled within the department," i.e, released or otherwise dealt with short of referral to juvenile court.

Ideally, screening out cases of juveniles whose infractions are not serious enough to refer them to juvenile court but not so innocuous as to dismiss should result in some kind of assistance or treatment. The choice then becomes one of the police doing the job or referring such cases to other agencies. While there are some jurisdictions, such as Los Angeles and Chicago, in which police have worked out elaborate referral systems, evidence for the Nation as a whole reveals that police referrals elsewhere than to juvenile courts are infrequent. One survey showed that 253 out of 498 police departments referred children to other agencies: to schools in 211, to religious workers in 195, and to welfare agencies in 210 jurisdictions.[1] However, such figures are misleading, because the overall national percentages of cases referred to nonlegal agencies is nominal, 1.6 percent according to an F.B.I. estimate in 1964.[2] Police seem to be neither organized nor inclined to make referrals to outside agencies, which speaks of a possible dilemma or defect in reliance upon police diversion models.

Do-It-Yourself Social Work—Spurious Models

Beginning sometime in the 1930's, police departments of many larger population centers began to enter the field of prevention and social treatment of delinquency. This trend probably came from a recognition of growing erosion of informal family and community self-help procedures for dealing with juvenile problems and a shortage or inappropriateness of welfare facilities for the purpose. Also, New Deal philosophy and legislation during this era undermined political patronage arrangements which had mitigaged the formal procedures of dealing with juvenile crime.

Some of the direct services police undertook for minors and their families were in the form of social investigations and casework-type treatment in which women police workers played an important role. Big Brother programs were organized by police on the assumption that avuncular-type relationships between a juvenile and a policeman or other adult would keep the youth from delinquency. Capitalizing on the prevalent though questionable idea that participation in recreational activities would have a preventive effect on those inclined toward delinquency, police also sponsored athletic leagues for youth in city areas where risk of delinquency was statistically high. Finally, systematic surveillance was undertaken of special community institutions typically associated with delinquency and child neglect—junk yards, pawn shops, pool rooms, and liquor outlets.

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[1] *Police Services for Juveniles,* U.S. Department of Health, Education, and Welfare, 1954, Washington, D. C., p. 86.

[2] *Uniform Crime Reports,* Federal Bureau of Investigation, Washington, D. C., 1964, p. 102.

The Juvenile Aid Bureau set up in New York City in 1930 may be regarded as a prototype of police social work. The Bureau was directed by a Deputy Police Inspector and was divided into nine geographic areas of the city. The staff included policewomen and policemen, who were given social work training. Responsibility was taken for all minors under 21 years who were brought to the attention of the police but who were not arrested. Forms were completed for each such case which was then directed to the appropriate area office. Records were consulted and if the case was active with some agency, that agency was notified and no further action followed. Otherwise, parents of the minor were contacted and admonished, or a complete social investigation was made and some kind of treatment initiated. The Bureau also sponsored a police athletic league and directed surveillance in the community.

In 1943 a program of Precinct Coordinating Councils was launched. In 1954 these became known as Precinct Youth Councils, in charge of commanding officers in precincts, who recruit Council members and direct Council activities under departmental policy of the Juvenile Aid Bureau. Programs include environmental study, community relations, education, social service, and recreation.[3]

Police Probation

Another development, less oriented to social work and more toward correctional rehabilitation, is that of police probation, also called "voluntary supervision," or "on report." This system works under informal agreements between police, juvenile law violators, and parents, whereby the minor reports periodically at police headquarters for interviews. These may be combined with arrangements for restitution and the laying down of conditions restricting the movements of the minor, such as "grounding" practiced in one city. This system requires that a youth attend school unless excused by a physician, leave his house only in the company of his parents, dress conventionally, keep his hair cut to a reasonable length, and study at home for prescribed periods daily.[4]

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[3] Kenneath Beam, Organization of the community for delinquency prevention, *The Juvenile Aid Bureau of the New York City Police Department*, 1943.

The Liverpool Police Juvenile Liaison Scheme

Yet another type of police diversionary plan, midway between social work counseling and informal probation, got its start in Liverpool, England, in 1949. Its fundamentals are outlined in general directives laid down by the Chief Constable to officers singled out to give special attention to divisions of the city known to have high crime rates. They were to:

> . . . concern themselves with the prevention of juvenile crime by establishing liaison with school teachers, ministers of religion, social workers and similar people concerned with the welfare of children, seeking the cooperation of the Probation Service, keeping in regular contact with children who have been cautioned and where possible, introducing them into the membership of clubs or similar youth organizations. Stress also was laid on home visiting, contact and discussion with parents and regular pooling of experiences at monthly conferences presided over by the Chief or Deputy Chief Constable.[5]

Staff for the English scheme gradually expanded from an original two officers until by 1965 it had two sergeants and seventeen constables (four of them policewomen) under the direction of a Chief Inspector. Among the first effective liaisons was that set up with the managers of department stores and shops in the center of the city. This brought to attention a number of instances of shoplifting and pilfering by children, who were not being brought to juvenile court because the merchants could not afford to take the time or release staff to appear as witnesses. Recovery of stolen property at the time had sufficed.

With passing time, the Juvenile Liaison officers more and more focused on "near" and "potential" offenders, specifically meaning boys and girls who had truanted from school, who were "unruly," "out of control," or "frequenting undesirable places." The working patterns of the officers took shape in regular home visits to interview parents and child, school visits to check on attendance, and "keeping a watchful eye" on the local areas in order to get to know personally as many youngsters as possible, along with key people in the localities. The content of home interviews generally was a mixture of cautioning, admonition, and fatherly advice.[6]

Criticisms From Within and From Without

The popularity of police style social work and police probation in the United States waxed, then waned, to the extent that many leaders in the police field reject the conceptions completely.[7] This clearly was the position of former Chief Parker of the Los Angeles Police Department, who stated that he did not believe that prevention of crime was a proper police function.[8]

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[4] Juvenile delinquents: The police, state courts and individualized justice, *Harvard Law Review*, 79, 1966, 784.

[5] J. B. Mays, The Liverpool Police juvenile liaison officer scheme, *The Sociological Review*, 9, 1965, 186.

[6] *Op. cit.*, p. 188.

Some of the criticisms which have been levied against direct treatment of delinquents by police are as follows:

1. police officers are neither selected nor trained for preventive work;
2. adequate treatment requires training skills and education that the average policeman cannot be expected to have;
3. a police department is best suited to apprehension and screening, making the best referral possible to existing agencies or to juvenile court;
4. if a community lacks treatment facilities, the role of the police department is to cooperate with others in an effort to gain such facilities, but not to develop them;
5. a voluntary police supervision program duplicates other services and wastes taxpayers' money;
6. police departments are not appropriate settings for treating children;
7. voluntary police supervision has no legal basis; and
8. voluntary police supervision complicates the work of probation departments because referrals from such probation may have to be handled as first offenders.[9]

Similar criticisms have been directed at the Liverpool Liaison scheme, in addition to which some English critics point out that the scheme may be so operated to keep youth from obtaining services that they need. But despite its controversial status in England and its limited adoption there and in Scotland, the scheme continues to have its partisans. Teachers are strongly in favor of the liaison work and some in the Probation Service also have voiced their approval. Perhaps the strongest favorable argument is that timely intervention of the police at critical points into the careers of marginal or near-delinquents may lend the extra measure of help or authority needed to forestall further deviance. This argument rests upon two assumptions: 1. that the police discriminate accurately between serious deviance and trivial deviance that can be ignored, and 2. that deviance defined as marginal police problems is not transitional, will not disappear by itself, and will not be solved by other means if left alone. Yet the evolving emphasis put on "marginal" problems makes it difficult to believe that the liaison scheme does not make problems of actions which would go unheeded by the community if police held to strict legal standards of delinquency. Indeed, this seems to be avowed rather candidly:

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[7] George W. O'Connor and Nelson A. Watson, *Juvenile Delinquency and Youth Crime: the Police Role,* International Association of Chiefs of Police, 1964, p. 42.

[8] O. W. Wilson, ed., *Parker on Police,* Springfield, Ill.: Charles C Thomas, 1957, p. 12.

[9] *Police Services for Juveniles, op. cit.,* pp. 24-27.

> Thus from a very early date the J. L. O.s were concerned with a number of young delinquents who had hitherto been escaping the official net. Their work helped to draw the mesh tighter to bring to light a number of hitherto unknown and marginal offenders.[10]

Whether police social work normalizes youthful deviance or whether it successfully treats problems which are defined as marginal or unofficial are questions yet to be researched in the United States. Some data have been published to show that trends in rates of juvenile court cases rose more slowly in Liverpool than for England and Wales as a whole following installation of the liaison scheme. Unfortunately these figures concealed the fact that large numbers of slum-dwelling families were moved from the central city to new housing areas outside its boundaries during the years covered by the study. Crime rates in these sections soared forthwith.[11]

An important consideration in assessing the effects of police screening and various kinds of police treatment is the use to which information gathered in the process is put in subsequent police contacts and juvenile court referrals. An efficient recording system and conscientious patrolmen may mean that a police record is built up whose existence influences the way in which later actions of the minor are perceived. This takes on real significance when it is recognized that decisions of officers to write up a field report for some youths and not for others may be either fortuitous or negatively biased by the nature of the area and by status factors. In a similar way, the records made of dispositions of police hearings may affect later contacts which juveniles so involved have with police or probation officers.

Police Interaction With Juveniles

Research on police contacts with juveniles has shown a number of factors that affect reactions of police to juvenile suspects and their choice of dispositions, including the instant offense, age, sex, prior record, appearance and demeanor, and family status. A serious offense is apt to cause an officer to take a youth into custody without weighing other factors, but lacking such a charge, discretion occurs, with on-the-spot screening. In the field, information on prior record may not be available, in which case the minor's appearance and demeanor become decisive. Older youths, those with leather jackets, long hair, and shabby clothes, and Negroes are said to be at a disadvantage before a suspicious officer. Truculence, sullenness, posture, and gestures may mark the youth as uncooperative and cause him to be taken into custody.[12] This, of course, can be interpreted as prejudice on the part of the officer, but also as evidence of his need to act decisively once his authority is put in issue.

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[10] J. B. Mays, *op. cit.*, p. 187.
[11] *Ibid.*, pp. 197-198.

More precisely formulated research on police-juvenile interaction has shown that decisions to arrest juveniles are greatly affected by the presence and preferences of a complainant. Arrests are more frequent when the complainant is present and when he urges strong action. Arrests of Negro juveniles are of a much higher percentage (21 percent) in such contacts than they are of whites (8 percent) when complainants are present during the encounters. White complainants differ markedly in their preference for informal dispositions (leniency) in contrast to Negro complainants. A majority (69 percent) of the latter prefer to have the youth arrested or else leave their preference unclear, in contrast to whites, a majority of whom (58 percent) are amenable to informal disposition of the cases.[13]

The research referred to here does not raise the question as to why attitudes of Negro complainants are less lenient than whites. It may be speculated, however, that Negro victims of juvenile offenders are less able to absorb property losses due to delinquency, or that they have fewer resources to protect themselves from juvenile depradations, and hence are inclined to rely more on police. Again, it may be that in more Negro than white cases there is no responsible family unit to accept informal responsibility for restitution or future control.

Police Hearings

A police model for diversion probably must be constructed around whatever potential effects brief, intense, authoritative contacts with juveniles have for the deterrence and control of deviance. Police are salient agents of legal authority and are so conceived by complainants and misdoers alike. At one extreme involving adult suspects and older, serious delinquents, this authority is routinely exercised by arrest. At the other extreme, with very young children and those engaging in trivial misdeeds, there is routine normalization either by dismissal or brief custodial attention pending return of a child to parents. In between these extremes, police "treat" law violators by special definitions of their behavior and the show of authority. Definitions are characterological, that is, of the youth rather than of his behavior. This is clearly demonstrated when the same offense produces variable definitions of the individual offenders who are involved.[14] The common thrust of the attendant interaction is to secure admissions of guilt or complicity. Such admissions are believed by the police to be an indispensable first step to reformation, but their more important symbolic effect is to define the youth as a repentant deviant, and thus to validate the moral authority of the police.[15] Once this happens, police are free to exercise discretion and try to dramatize the meaning of the deviance as a two-valued antecedent to subsequent behavior: criminal versus law-abiding.

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[12] Irvin Piliavin and Scott Briar, Police encounters with juveniles, *American Journal of Sociology*, 70, 1964, 206-214.

[13] Donald Black and Albert Reiss, Police control of juveniles, 1969. Yale Law School, Program in Law and Social Science, mimeographed.

Dramatization of authority may be done in the field by patrolmen or squad car officers, who engage in a range of behavior, from clever through heated acting to acute personal involvement. In many American police jurisdictions dramatization of authority takes place through well structured hearing procedures, which in many respects are the analogues of probation intake or juvenile court hearings. There are formal notices to parents and minors setting the time and place for the meeting with a "hearing officer" who is seated impressively behind a desk. Such officers are chosen for their special ability to charm (con) adolescents; sometimes there are two, one who plays the "bad guy," the other the "good guy."

Dispositions hinge on officers' judgments as to whether more offenses are likely to occur, or whether parents can take necessary steps to contain the problem. The hearing procedure will not work without a confession, although this does not in itself guarantee that the case will be diverted from court. Leverage both to insure attendance at hearings and for confessions derives from actual or implied threats to create a permanent police record or to refer the case to juvenile court. If a youth refuses to confess, referral to the court usually follows unless the case is so factually poor that it will be embarrassing to the police. This is done to sustain the effectiveness of the referral threat. Another reason is the possibility of judicial repercussions if the police were to insist on treatment in the face of denial of the offense.[16]

Despite good intentions of those who administer it, such a system can work to the disadvantage of lower class youths and Negroes. For one thing lower class parents more than others are prone to seek police assistance in the disciplining of their children; also, misconduct of youths in slum or ghetto areas has a higher visibility than elsewhere because these areas are more heavily policed. Too, shabbily dressed youths or Negroes moving outside their own areas may be suspect because of their appearance. Outcomes of police hearings are more unfavorable to lower class youths because they are less apt to have intact families or families which can mobilize resources to solve the problems of their deviance. Negro youth not only more than share the handicaps of low social status, they more frequently make the system work against them by their hostile and enigmatic manner in the presence of police.

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[14] For a study of the processes of typification, see Aaron Cicourel, *The Social Organization of Juvenile Justice*, New York: John Wiley and Sons, 1968.

[15] See Joseph Gusfield, Moral passage: The symbolic process in public designations of deviance. *Social Problems*, 1967, 15, 175-188.

[16] The police, the State courts and individualized justice, *op. cit.*

Police and the Community

Generalizations of the sort made above are subject to the serious reservation that proportions of police contacts which get normalized or handled unofficially vary greatly from one jurisdiction to another —sometimes as much as 100 percent. Such differences are largely a function of differences in police organization and in the degree to which they are integrated in a cultural sense with the community areas whose populations they police. They are also associated with cultural differentiation of the police themselves and with variable policies of departments as to what kinds of deviance will or will not be adjusted internally.[17]

Data shedding a good deal of light on how differing patterns of organization and police styles affect the processing of juvenile deviants are provided by Wilson's study of these matters in "Eastern" and "Western" cities. The key difference between police in these two cities lay in the degree of their professionalization, highly developed in Western city, weak or absent in Eastern city. This is taken to account for the high arrest rate of juveniles in the West and the low rate in the East.

Juvenile officers in Western city were recruited on a nonlocal basis, and a high percentage had out-of-State origins. They were reasonably well educated, having completed at least high school; a good portion had gone to college several years or had graduated. Western city officers were well dressed, well officed, well equipped, and in general, efficient and business-like in their manner. All of this was in contrast to Eastern city juvenile officers. Western officers had technical training in dealing with juveniles, and generally applied universalistic, impersonal criteria to decisionmaking and action. Eastern city police received their training informally from other officers, primarily in "how to get along on the force." Their decisions tended to be particularistic, personalized, and were made by considering each case in its local context.

Organization of juvenile officers in Western city was centralized in a bureau, where investigating or arresting officers turned over cases to be processed and disposed of by other juvenile officers. Supervision and accountability were insured by a captain, lieutenant, and sergeant. Standards also were informally reinforced by continuous association with other juvenile officers; private lives of the officers were pretty much dissociated from their work.

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[17] Bordua cites evidence questioning the existence of socioeconomic bias in police discretion in dealing with juveniles, which evidence points to great variation in police discretion from place to place and time to time. His impression that variation is more significant than bias seems plausible enough. David Bordua, Recent trends: Deviant behavior and social control, *Annals of American Academy of Political and Social Science,* 1967, 57, 149-163.

In Eastern city individual juvenile officers were assigned to precinct stations and no centralized supervision over juvenile matters existed. Juvenile officers kept their own records as they saw fit, made decisions about their cases, and presented them in court. This lack of procedure is burdensome and tends to cut down on the number of court cases. Informal association with regular patrolmen in the precinct station deters rather than encourages taking youth into custody, because such patrolmen look down on the arrests of juveniles; they are not "good pinches," and bringing a child to the station provokes derogatory remarks or offers to help hold a "desperate criminal."

It is highly significant that many Eastern city police were "locals"; they had been recruited from the same or similar lower- and lower-middle class neighborhoods which they policed. Local lore is that "half those in such neighborhoods go to reform school and the other half join the police or fire department." Parenthetically it can be said that the ideal of "new careers" in retrospect has long been a reality among the ethnic-dominated police forces of Eastern cities.

The origins of Western city juvenile officers together with their commitment to education gave force to values placed by middle class whites on police efficiency, honesty, freedom from political corruption, and "good government." Such values were reflected in the stress placed on procedures which were assumed could be applied by any properly trained juvenile officer. Impersonal methods were substituted for intimate knowledge of neighborhoods and of particular individuals. It thus is possible to speak of routinized alienation of Western city juvenile officers, attested to by their high arrest and detention rates for juveniles and their preferences for a hard police style, such as using official marked cars for transporting juveniles. Their techniques lead Wilson to liken them to an "army of occupation organized along paramilitary lines."[18]

While heeding the danger of romanticizing the old style "beat cop" who played the role of the wise neighborhood mediator, it is clear that a strong tendency to normalize juvenile misconduct is closely associated with Eastern city "fraternal"-type police organization. Built into this pattern is a special regard for ethnic family solidarity, missing among Western professionals. This Eastern pattern favors a greater release rate of offenders back to families, but it also militates against normalization of offenses by Negroes. Negroes fall outside of the pattern; as recent arrivals they were looked upon by Eastern juvenile officers as alien, secretive, vicious, criminally inclined, and lacking in home life. Hence their greater chance of going to juvenile court.

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[18] James Q. Wilson, The police and the delinquent in two cities, in *Controlling Delinquents*, Stanton Wheeler, ed., New York: John Wiley and Sons, 1968, Chapter 2; George O'Connor and Nelson Watson, *Juvenile Delinquency and Youth Crime: The Police Role*, Washington, D.C.: International Association of Chiefs of Police, 1964, Chapter 6.

If this line of analysis is correct, it concludes that professionalization of police in current form is antithetical to the objective of diverting youths away from the official court system. In Western city, as in an undertermined number of other areas, it is probable that greater percentages of lower class youth are referred to juvenile court than in Eastern city. While the percentages of arrested Negro juveniles who are referred to court does not appear to differ from corresponding percentages of white juveniles, nevertheless the rate of Negro juveniles referred to court based on population is much greater. Hence, even allowing for a possibly higher deviance rate, Negro youths are at a disadvantage under both police systems.

White lower class youths benefit from more lenient dispositions in Eastern city in comparison to the Western city situation, but middle class white youths seem to occupy a "good" position under both systems. From the standpoint of model building, the problem is to pull out factors or processes which operate to normalize middle class white delinquency and see if their functional equivalents can be devised to increase chances of normalizing the behavior of Negro and lower class white youths at odds with the law.

Community Absorption, Middle Class Style

Community absorption is the constructive aspect of police discretion. It stands for active steps taken to restore or remedy problem situations involving juveniles, parents, neighbors, victims, and complainants, which have come to police attention. Absorption may be initiated by police or it may come from parental action, or through the offices of mediators in the community. The following case may be taken as illustrative:

> Several teenage males changed the license plates on a small European sports car which was parked outside a garage awaiting repairs. They drove the car late at night through the suburbs of the medium sized city where they lived and finally were stopped by the police who cited them to the probation department on several charges, and then released them to their parents. The car was taken to the police storage. The father of the leader of the boys phoned the proprietor of the garage who immediately travelled downtown and retrieved the car. When the car's owner showed up next day, the proprietor, who was repairing a cabin cruiser he had sold to the father, told him what had happened and added that the repairs on his car, undamaged by the boys, would cost him nothing. Mollified but curious, the car owner inquired at police headquarters about the car theft, where he was told that because no stolen car report had been filed, no charge

> of theft had been made. Later the boy's case was dismissed by the probation officer when it was determined that no restitution was necessary.

While the case does not exemplify diversion in a complete sense, nevertheless it shows something of how the absorption of juvenile problems is managed: quick action to take advantage of a bureaucratic police procedure, connivance between a father and self-interested proprietor, and bribing or "cooling out" the victim and potential complainant. The result was to scale down the charge for a moderately serious offense to a trivial one and forestall official action by the juvenile court.

Experiment in Community Absorption

Possibilities of action to sustain and extend normalization by community action were brought to light in a study of two middle class predominantly white suburbs in Contra Costa County, California—in the east San Francisco Bay Area. One community, Lafayette, is incorporated and policed by sheriff's deputies; the other, Pleasant Hill, is unincorporated, but policed by the sheriff's department under a contractual agreement. High rates of delinquency absorption in the two communities are made evident by comparison with proportions of police-adjusted juvenile cases for the Nation and State, which in 1966 ran slightly below 50 percent. In contrast, nearly 80 percent of youth cases in Lafayette and Pleasant Hill were dealt with in the sheriff's department, and then released.[19] According to the investigators, these figures indicate a pattern of reaction not confined to police, but one which permeates the whole way of life of the communities, "in their mores" as it were.

Vandalism and malicious mischief such as breaking windows, stealing bicycles, knocking over mailboxes, and discoloring swimming pools are seldom reported to the police, but instead are matters for restitution and settlement between parents, or they are written off against home owners insurance policies. Youngsters having school difficulties customarily are transferred to military academies, parochial schools, or continuation schools. Cases of teenage pregnancy and venereal infections rarely end up in agencies for unwed mothers or official health agencies. Rather, girls are taken to foreign countries for abortions and their disease is treated by private physicians. Recidivism in these communities holds at a low rate.[20]

The experiment in question was designed to augment the deviance absorption processes in these communities, and was organized to counteract a perceptible increase in delinquency. The experiment ran more in the direction of community organization via creation of youth councils than it did toward furthering the police adjustment practices, but several of its features are worth noting as examples of deliberate efforts to redefine youthful deviance. The most impressive was the establishment of motorcycle clubs with two objectives in mind: to reshape the behavior of youthful bike riders, but also to change the ominous stereotype (Hell's Angels) of such groups held by adults. A related effort was the "legitimation" of a secret teenage boys club which had acquired a reputation for heavy drinking and assaultive behavior, reinforced by the death of a 19-year-old youth at a swim club dance, allegedly caused by a secret club member. Legitimation consisted of giving the club official sponsorship.[21]

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[19] Robert Carter, *Middle Class Delinquency—An Experiment in Delinquency Control*, Berkeley: School of Criminology, 1968, p. 20.

[20] *Ibid.*, pp. 23-24.

The idea of community cooptation of delinquent groups and gangs is not new. What is new is the idea of bringing adult groups and deviant groups together with the idea of *mutual change* in conceptions of deviance held by adults and in the expression of deviance by the youths. Apart from a police-youth discussion group, police were not directly involved in the cooptative ventures, although their acquiescence obviously was needed. Community absorption becomes integral to the police model when it affects practices and policies in making arrests and referrals, police procedures in street contacts with juveniles, or their intervention in neighborhood and family conflicts. On these points, unfortunately, the study in question gives no details.

The increasing rationalization of police organization and the reliance of juvenile officers on a kind of one-shot interview or hearing strategy necessarily leaves a vacuum between police and the community. This is keenly felt in lower class areas and Negro ghettoes. The problem in such places can be put as one of balancing opportunities for community absorption through the simulation and implementation of a special culture or organization that does the job for middle class suburban areas.

The Police-Community Relations Aide Model

The police-community relations aide model seeks to fill in the lacunae between police and the community, linking police with the community by employing persons of lower class and minority ethnic origins in a kind of detached police unit. These aides take up cases after the police, either finding needed services for problem youths or providing the services themselves.

Development of a unit along these lines was begun in the Oakland Police Department in 1965, largely from outside pressures; it was facilitated by funds from the Office of Economic Opportunity and a program of "new careers" for the unemployed. Police interviewed recruits while social workers supplied paraprofessional training for them; there was joint supervision by police and the project staff. At first, difficulties arose because of conflicting conceptions of the purposes of the project and a lack of real interest on the part of the police. Later the project was placed under a Human Relations Officer in the police department, which gave it consistent direction and also enlisted police motivation to support its work.

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[21] *Ibid.*, p. 55.

Among activities of the police aides were:

1. mediation in neighborhood quarrels. Done by display of personal interest, marshaling local opinion, involving many people, and day-by-day overseeing of the situation;
2. enrolling youths in clubs;
3. obtaining parttime work for their cases, especially for thieves;
4. obtaining medical care or increased welfare benefits for youths and families;
5. "cooling out" irate parents;
6. getting a youth transferred to another school or placed in a continuation school; and
7. obtaining an early release from probation for clients.

Police-community relations aides also were used in at least one instance as observers and agents to try to eliminate open gambling in a public park, an issue which had stirred a number of complaints. As a result of their work, one boy was dispatched via juvenile court to a probation camp. However, this kind of employment of the aides brought disapproval from social workers connected with the Project.

The Project, like that in Lafayette and Pleasant Hill, set up police-youth discussions, with somewhat similar results. At first the police attending saw the sessions as occasions to impose rules in a didactic manner. This did not work well, but in time the police came around to letting the youths use meetings for expressive purposes. What further effects this may have had is not known.

The Law Enforcement Base

Whether police departments are the best base on which to build or attach an absorption program may be questioned. In some areas where they are still viable it may be preferable to devise a model based on sheriff's departments, which historically have been more inclined to dispense a sort of informal justice in which restitution and handing back discipline to families of offenders has prevailed. Yet in some counties, sheriffs' departments have sought to pass juvenile problems on to probation departments. In the early history of the Oakland aide project, police felt that it properly belonged in the probation department. Here and there Chief Probation

Officers have talked of schemes for placing a deputy or deputies at police stations so that more time could be had to investigate cases of runaways, for example, without the necessity of filing juvenile court petitions.

An inventive plan having diversionary features, which is located in a branch probation department but relies on cooperation from sheriffs' deputies, is the Watoto (Swahili for "children") project in East Palo Alto and Menlo Park, California. It came into being as a semi-autonomous division of probation under direction of a Negro deputy, ostensibly to counteract the "bad image" the Department had in the black communities. Behind this was a broader purpose of enlisting community members to help in various ways to keep youths from becoming court cases or to assist those on probation. Needless to say, a strong theme of ethnicizing probation work was advanced by the black partisans of the project.

The staff of the project includes regular probation deputies, salaried new careerists, and volunteers. A sheriff's deputy is stationed at the Center, to which other deputies cite youths or bring them instead of delivering them to the county juvenile hall. At the Center youths may be counseled, in some cases by "community mothers." A variety of direct service methods not unlike those practiced by the Oakland police aides are used. Youngsters also are organized into groups and taken on recreational outings. A distinctive feature of all of this is encouragement for Negro youths to use the Center as a gathering place.[22]

In summary, this project is an elaborated informal probation system with a definite locale, serving an unincorporated area which is treated as a separate sheriff's precinct. One of the main problems in getting the project into operation was to persuade sheriff's deputies to cite youths to the Center in lieu of detention. This was accomplished by several city councilmen of East Palo Alto and the probation officer in charge who persuaded the sheriff to give the system a trial. Police in Menlo Park did not respond with an equal degree of cooperation as did the sheriff's people.[23]

Conclusions

Indications for organizing diversion systems along the lines of a police model are strong. Police encounter youth problems more frequently than other community agencies; they meet the problems at the time of their occurrence, and they wield a great deal of coercive and symbolic authority to make deviance costly to juveniles and parents, as well as to define it on their own terms. Police methods, such as cautioning, counseling, supervision, threats, dramatized hearings, and suspended action, usually proceed from relatively uncomplicated moral conceptions of right conduct and respect for law (authority), without much specialized knowledge of human behavior and its treatment. Insofar as the net result of these is unofficial action, normalization takes place. Their effectiveness in preventing subsequent deviance probably is greatest among middle class youths or those whose family situation and resources support remedial action. Police predictions that this will occur, in turn, affect discretion and the likelihood that adjustment rather than referral to court will be their choice.

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[22] Charles E. Range, *Watoto Project,* 1970, San Mateo Probation Department Juvenile Division, San Mateo, Cailfornia, mimeographed.

[23] There are some other diversion schemes which more or less spin off from probation departments. In Los Angeles there has been discussion of using citizen professional committees to review Probation Department recommendations to see if nonofficial dispositions can be made of cases. Also, in 1945 the Monmouth County Plan was devised by probation officers in Asbury Park, New Jersey. This plan established committees appointed by the Juvenile Court judge to investigate, hear, and dispose of cases of truancy beyond control, malicious mischief, and other minor offenses. The court, police, and private parties may bring complaints. See *Manual for Guidance of Juvenile Conference Committees Appointed by the Juvenile and Domestic Relations Court,* Trenton, N. J., Administrative Office of the Courts, 1958.

Patterns of police organization, cultural backgrounds of juvenile officers, and the degree of their affinity and appreciation of the problems of classes of population they police all significantly affect the processes of discretion and normalization. The bias runs against lower class youth in many areas but not in others; it seems to work most uniformly against Negroes in urban areas, but this probably is less a function of racial bias than of a number of other factors which interact in the discretionary process, the foremost being the presence and attitudes of complainants.

A police model of choice would reproduce conditions of normalization which work in middle class white suburban communities. However, these conditions appear to be an inherent part of that life, albeit weakening with passing time. In slums and ethnic ghettos their equivalents must be contrived through novel means peculiar to localities. Some sort of irregular, detached unit subordinate and responsible to law enforcement, staffed with paraprofessional workers has a good deal to recommend it. Whether in the long run new careerists drawn from lower classes will prove adapted to the needs of such work is an open question. Their kind of work is very demanding and calls for a high level of dedication which is difficult to sustain. Some of the things done for clients by new careerists, such as taking over welfare checks and personally making purchases, paying rent and other bills, are much like nineteenth century social work in which the worker "played God" to clients, and at the same time insured continuance of their dependency.

Another more general, unsettled query confronts the militant ethnic motivations for projects like Watoto. The sectarian political emphasis raises doubts about freedom of the organization to evolve along rational lines, and it may be wondered whether individual needs are not likely to be sacrificed to political contingencies. There is a further risk that such organizations will turn into vehicles to expand opportunities for the black middle class. This contradiction is noted in the Watoto project, where new careerists turned out to be black college students. Once such projects get organized and legitimized they may follow the same dismal path as many other bureaucracies, as management finds it must compete for budget, personnel and space, devise routines for handling large numbers of cases, and settle conflicts within the organization.

One conclusion standing out among others is that sheriffs' departments and probation departments are better foci for organizing diversion units than police, especially in less urbanized areas. This may be because they are less narrowly responsible for law enforcement and preservation of public order than are police. They are less bound by fixed policy, such as, for example, police rules that they "never adjust a felony."

The existence of gang delinquency and disturbances of public order by mass aggregations of youths pose special problems in respect to diversion. Police generally prefer to break up gangs rather than to try to coopt them through group work methods. This often means filing petitions on suspected gang leaders to get them sent to State institutions. Here the reverse of normalization can occur—something like "abnormalization"—in which a youth with no very serious record is stigmatized as a "troublemaker" or "young hood" and referred to court.

It is also true that police have dealt with youthful disturbances in some places by more or less sweeping large numbers of them into detention for curfew violations—called "weekenders." In other situations, where large numbers of youths flood into resort towns, police may have no way to contact parents or to get information that might avoid a court referral Attempts have been made to organize extensive police surveillance of such youth masses but part-time police may have to be activated to get the manpower; their use of discretion may be poor and cause more rather than fewer court referrals.[24]

While a large percentage of children and youthful offenders running athwart the police can be safely dismissed out-of-hand or after an interview or hearing, there are others whose problems are such that they may need kinds of help which police or paraprofessional workers cannot give. Furthermore, it is very doubtful whether certain kinds of problems now called delinquent tendencies, such as runaways, incorrigibility, and some types of sex problems, should ever be processed by the police at all. A more voluntaristic model which unites public and private welfare agencies or generates new agencies and services may be preferred to the law enforcement model.

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[24] French police have experimented with "control missions" to handle masses of vacationing juveniles. See Jean Susini, Deux essais de prévention de la délinquance juvénile par la police francaise, *Revue de Science Criminelle et de Droit Penal Compare,* 1960, second series, 697-701.

Chapter V. The Community Organization Model

Thus far, the models for diverting problem children and youth away from juvenile court jurisdiction which have been held up for critical examination are institutionally specific. Responsibility in each instance has been assigned to a particular organization—the school, welfare department, or law enforcement. In all of these, however, some disjunctiveness has been noted, some insufficiency; schools do not become fully involved with the problems of socialization, and the welfare model, when pushed to its ultimate fulfillment, downgrades values of public order, property, and person, and preservation of legal authority. Law enforcement models for the unofficial adjustment of youth deviance have an insular quality which makes it difficult to insure the use of alternative channels and modes of handling cases once under their purview. These shortcomings all indicate the need for a more architectonic model which pervades or brings together a number of community groups. The process of doing so is conventionally known as community organization.

Prevention Ideology

Most if not all of the plans, programs, and pragmatic arrangements for diminishing delinquency by means of comprehensive community organization have made prevention their salient purpose. Unhappily, the term suffers from inconsistent formulation and confusion in usage. It would be pontifical to speak as if concise or explicit models for delinquency prevention exist. Writing and discussion on the subject often have been more ideological than rigorously conceptual or scientific.

One conception heavily weighted with ideology is the argument that delinquency can be prevented by massive or total programs of social and economic amelioration directed at the underlying roots or causes of delinquency in society as a whole. This assumes that eliminating deleterious social conditions such as poverty, malnutrition, disease, poor housing, family disorganization, unemployment, and racial discrimination will cause crime and delinquency to disappear. Sources of delinquency are traced to a pathological or dilapidated social structure, which needs thorough renovation or replacement with one designed to usher in a crimeless society.

This conception has revolutionary overtones harking back to older socialist beliefs that poverty or class exploitation causes crime and delinquency. Among the methods it advocates to solve social problems is the activation of some form of "people's democracy."[1] Another form of social amelioration more contemporary in origin and spohisticated in conception has been loosely designated as "opportunity theory." This conception holds that delinquency is a form of deviance resulting from psychic pressures due to indoctrination of individuals with cultural achievement values and their location at places in the social structure which block opportunities for upward mobility. Those so disadvantaged primarily are youths in lower socioeconomic strata. Amelioration inspired by opportunity theory employs vaguely martial imagery of "mobilization" of community resources to make war on poverty.[2] Both this conception and that of the people's democracy will be discussed in more detail later under the heading of community action models.

Broad-scale programs of social and cultural amelioration may be desirable, even necessary at times, but their rationale as means of delinquency prevention is speculative at best and offers no explanation as to why delinquency develops in some youths exposed to poverty but not in others. Poverty, status deprivation, and restricted opportunities adversely affect a minority rather than a majority of those in areas where they prevail; furthermore, they engender other kinds of deviance as well as delinquency. The only large-scale revolutionary experiment in social amelioration took place in Soviet Russia, where as indicated in Chapter II, juvenile delinquency still plagues authorities. In the United States, urban renewal, public housing developments, and park projects have not eradicated delinquency in those areas where they have been undertaken. Diffuseness of impact, inability to be validated, and lack of direct applicability all make social amelioration a dubious means of delinquency prevention.

Elements of Prevention Programs

The analysis of more definitive programs of delinquency prevention can be simplified by considering three common elements: (1) their immediate objectives, (2) the pattern of groups and agencies through which programs are put into effect, and (3) methods of intervention. While the ultimate goal of all delinquency prevention is to change people, some organizations seek this end indirectly through concentrating on environmental conditions. Areas of high delinquency rates are singled out and efforts made to change selected features of these areas calculated to modify behavior of deviant youth there. The most commonly chosen objectives are adolescent gangs or putative subcultures of delinquency. Confusion between prevention and correction arises here because objectives may be to keep vulnerable youth from being drawn into delinquent gangs or to decrease the recidivism of those already delinquent, or both.

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[1] Saul Alinsky, Heads I win, tails you lose, National Probation Yearbook, 1946, pp. 40-50; *Reveille for Radicals*, New York: Vintage Books Edition, 1969.

[2] George A. Brager and Francis P. Purcell, eds., *Mobilization for Youth*, New Haven: College and University Press, 1967.

The most direct delinquent prevention focuses upon individuals. This begins with a premise that certain children and youth have differentiating attributes, ranging from body types to behavioral symptoms, which are predictive of future delinquency. As stated earlier, such children are believed to be delinquency prone. To a considerable degree the choice of individuals as the objects for preventive work has been influenced by preconceptions of psychiatry which postulate that pathological personalities or abnormal family constellations are prime causes of delinquency and crime.

Despite its widespread use, the concept of predelinquency is far from being definitive; there is lack of agreement among psychiatrists as to its referents, and in practice such a wide variety of behavior is taken as prognostic of delinquency that almost any child can be made a candidate for treatment. Hakeem has vividly documented how this occurs by reference to the St. Paul, Minnesota, delinquency prevention project carried out between 1937 and 1943. There the criteria for referrals of children to the treatment centers turned out to be so broad that confusion and uncertainty soon arose among those having to make the decisions.[3]

While psychiatrists more or less have assumed the existence of predelinquent personalities on a priori grounds, others have tried to establish the concept by empirical methods and to subject it to testing. They have searched for valid instruments and verifiable techniques for prediction. The questions they raise are by no means answered or answerable.

Can Delinquency Be Predicted?

Whether delinquency can be predicted is a moot question. The answer to some extent depends on the unit of prediction. If the unit is aggregate populations, then it must be conceded that delinquency rates can be extrapolated over a period of time. At least this was true for Chicago in years past, where certain areas or precincts showed characteristically high rates of delinquency persisting over several decades, during which the ethnic composition of the areas changed several times. Other cities have revealed similar patterns. It must be admitted, however, that extrapolation of this sort is a crude empirical method, merely stating that what has happened before will happen again. It tells nothing about the factors which have produced the rates, among which the policies and routine procedures of police undeniably are important.[4] Occasionally, as happened in Jersey City in 1930, it is possible to see how radical change in police arrest policies for juveniles leads to a dramatic decline in delinquency rates.[5]

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[3] Michael Hakeem, A critique of the psychiatric approach to the prevention of juvenile delinquency. *Social Problems*, 1957-58, 5, 194-205.

[4] John Kitsuse and Aaron Cicourel, A note on the uses of offical statistics, *Social Problems*, 1963, 11, 131-139.

Predictions of delinquency in individuals also may be a form of extrapolation, illustrated by the Cambridge Somerville project in which teachers and police simply nominated youths they deemed likely to become delinquent. Several versions of a prediction scale (Glueck's) were employed for experimental research on the effects of treatment in New York and in Washington, D.C. These were constructed around evaluations by social workers of several aspects of parent-child relationships and family characteristics. But social workers, like teachers, disagreed in making ratings of family factors predisposing to delinquency, and the resultant scale, like the Cambridge-Somerville nominations, greatly overpredicted delinquency.[6] It must be recognized that predictions and the observations on which they are based inevitably contain moral judgments. In support of this fact, Toby has shown that such identifying items as slum residence, race, and the receipt of welfare assistance undoubtedly enter into delinquency predictions.[7]

Methods of identifying vulnerable populations for prevention enterprises are crude at best; identification through prediction instruments tends to be "theoretically blind," and while it is successful generally for those predicted nondelinquent, it errs widely for those predicted to become delinquent. It is hard to avoid the conclusion that delinquency prevention programs are handicapped initially by the lack of any effective way of determining their target populations.

Multiproblem Families and Prevention

In practice, the distinction between individuals and families is not sharply maintained in treatment programs, particularly when younger children are the objects. Delinquency prevention in the form of "out reaching" social work has made families a main source of cases, designated as multiproblem families. While there has been some attempt to define such families, the term signifies less of a homeogeneous entity than it does results of a referral process by which families active as cases in a number of welfare agencies become a treatment assemblage. This is defensible in that it tells us that "hereabouts there be children with difficulties, some with the law." However, like rate extrapolation, the procedure is superficially empirical; there is no sure knowledge as to how families produce delinquency in offspring, and for male teenagers, family conditions probably have little bearing on their likelihood of becoming delinquent.[8]

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[5] *Supra,* Chapter II.

[6] Jackson Toby, An evaluation of early identification and intensive treatment programs for predelinquents, *Social Problems,* 1965, 13, 160-175; on disagreements of psychiatric ratings of families by social workers, see D. J. West, *Present Conduct and Future Delinquency,* New York: International Universities Press Inc., 1969, Chapter VII; see also Gordon Rose, Early identification of delinquents, *British Journal of Criminology,* 1967, 7, 6-35; Alfred J. Kahn, The case of the premature claims, *Crime and Delinquency,* 1965, 11, 217-228.

[7] Jackson Toby, *op. cit.*

The Organization of Delinquency Prevention

As a social problem, delinquency is primarily a phenomenon of large, complex urban communities, whose remedy must be found in planned, designed social organization. This requires special attention to the forms it takes, relation to authority, communication between its parts, and interfacing with other community groups. Needless to say there has been a great diversity in patterns of delinquency prevention programs, whose complete cataloguing and description is not the purpose here. Instead, organization in three large cities will be discussed, chosen because of the magnitude of their delinquency problems and because they have supplied the main currents of innovation in delinquency prevention efforts.

Nutured Prevention—Chicago Style

The classic delinquency prevention enterprise was the Chicago Area Project. It remains a preeminent example of the application of urban ethnography and sociological principles to the control of juvenile delinquency. The focus of organization was the ecological area and the natural social world within it, wherein it was concluded that delinquency develops as a normal consequence of the social learning process. The general purpose of the project was to make the goals of prevention those of this natural social world, utilizing whatever potentials for social control were already present.

It was recognized that this social control had partially broken down. This breakdown was attributed to intergenerational conflict between immigrant parents and children who grew up in a new urban environment, and from the inability of migrant groups to reproduce successfully a full or integrated set of Old World institutions in an urban setting. This situation left room for the growth of an interstitial subculture with delinquent aspects. Despite the gap in ethnic institutions, these institutions were believed by the planners of the project to be sufficiently viable to become the bases for cultivating new ways and means of social control.

The determination to nurture rather than to try to superimpose a scheme for social control of delinquency is disclosed by several key features of the Project. On the assumption that people are most likely to support action in which they have a meaningful role, care was taken to identify stellar persons in neighborhoods, those who were familiar with local culture, and whose opinion and voice would carry weight. In thus singling out natural leaders, conventional or middle class canons of propriety were set aside; deviant or marginal social status did not become marks for disqualification; if a junk man was a person of influence and substance in a neighborhood, then he became a logical choice for leader.

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[8] Jackson Toby, The differential impact of family disorganization, *American Sociological Review*, 1957, 22, 505-512.

The same principle was followed in hiring local, nonprofessional persons to aid in the organization of local civic committees, supplemented by arguments that such persons were more informed about local conditions, had access to delinquent boys, symbolized public confidence in the people of the area, and were entrées for educating residents in the lore of organized welfare activity.

The decision to foment a process of cultural growth admitted considerable variety in the forms of local organizations. In the more structured, stable areas, representatives of churches, political groups, business men, labor unions, trades, fraternal organizations, athletic clubs, and lodges were brought together in committees. In less stable areas committees tended to be groupings of individuals who spoke for themselves only. Activities of committees included sponsoring or promoting recreation, community improvements, direct work with gangs, and assistance to juvenile court and parole agencies.

The ideas for the Project came to a large degree from its Director, Clifford Shaw, and Henry MacKay, who were academic sociologists; they were aided by a professional staff. However, studied effort was made to avoid intellectualizing or "elitizing" the policies of the Project. Autonomy of planning and operation for the neighborhood units was carefully guarded, even though staff sought to make its ideas felt. If a local committee chose to pursue lines of action of which the staff disapproved, it nevertheless cooperated. The rationale for this is explained:

> This procedure of placing responsibility for the planning and managing of the program in the hands of local residents stands in sharp contrast to traditional procedures whereby many institutions and programs operating in low-income areas have been controlled and managed by boards of directors whose members live, for the most part, in outlying residential areas. Although the local residents may be partly dependent upon sources of financial support outside the community, they assume full leadership in the management of their welfare activities. They are participants in a creative enterprise in which their talents, capacities, and energies find opportunities for expression in socially significant affairs of the neighborhood. Instead of suffering the humiliations often entailed in receiving the services of philanthropy, they achieve a sense of self-reliance, preserve their self-respect, and enhance their status among their neighbors by contributing time and energy to the creation of better opportunities for children. The Area Project program is, therefore, a development by the people within a local community rather than a ready-made program or institution imposed from the outside. It seeks to build

> solidarity and unity of sentiments among the people by encouraging and aiding them to work together toward common objectives.[9]

Evaluations of the Chicago Area Project have a strangely oblique quality. The chief merits claimed for it were that it demonstrated the feasibility of creating youth welfare organizations among residents of delinquency areas; that it made contact with the isolated male adolescent; and that it tempered the impersonality of machinery established in urban society for the control and correction of the wayward child. However, no evidence that the Project reduced delinquency could be scientifically validated.[10] This sounds a little like the medical cliché that the operation was a success but the patient died. Yet in retrospect the Project holds a strong appeal, perhaps because of its sensitivity to a problem grown critical today—that of alienation between welfare workers and their clients. This sensitivity was an integral theme of the old Chicago School of Sociology, one which Matza has termed *appreciation*, and which he traces up through the so-called Neo-Chicago or West Coast school of deviance studies.[11]

While the central conception of nurturing community organization and other features of the Chicago Area Project are still valid, time and change largely have undercut or eliminated the immigrant institutions and neighborhood consciousness on which it builded. Cities have grown into vast metropolitan areas, and life, no longer peculiar to locality, is caught in the web of large scale, service-producing organizations, dominated by government-administered welfare. Blacks, Puerto Ricans, Mexican Americans, and Indians, possessed of only tenuous indigenous organization, have replaced European immigrants in the problem areas of cities. Lack of power among such populations, the need to service large masses of clients, and professionalization of welfare work have encouraged supervening types of delinquency prevention. Not least among these is the New York Youth Board.

Prevention Imposed—Gotham Superagency

The Chicago Area Project was a creation of academic sociologists, research inspired; the New York Youth Board was a legislative response to gang violence which reached critical proportions in New York City after World War II.[12] Legislation in 1947 set up a State Youth Commission with members appointed by the Governor, and gave them these directives: coordinate welfare and protection agencies for youth, make studies of youth guidance and delinquency prevention, collect and disseminate information on juvenile delinquency, remove causes of juvenile delinquency through local (city) agencies, and approve applications from cities for youth projects. Out of these came the city youth boards, the most impressive being that of New York City.

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[9] Clifford Shaw and Henry MacKay, *Juvenile Delinquency and Urban Areas*, Chicago: University of Chicago Press, 1942, Chapter XX.

[10] Solomon Kobrin, The Chicago Area Project—A 25-year assessment. *Annals of American Academy of Political and Social Science*, 1959, 322, 20-29.

[11] David Matza, *Becoming Deviant*, Englewood Cliffs, New Jersey: Prentice Hall, Inc., 1969.

[12] Materials here drawn heavily from *Los Angeles and the New York City Youth Board*, Los Angeles: Welfare Planning Council, 1960.

The New York Board is a Mayor's agency, consisting of representatives of city departments concerned with children and youth problems: Welfare, Health, Parks, and Children's Court, plus elective and appointed members. There are also professional staff people and Advisory Committees. Some of the latter are Borough Advisory Committees for liaison with local citizenry.

In evolving its program, the Board has made areas with high delinquency rates its operational objectives, encouraged in this by double reimbursement from the State for projects so oriented. Within these areas anti-social gangs and children in multiple-problem families were the more specific targets for Board activities. In time the Youth Board's functions were pointed more and more to the "hard core" and "hard to reach" youth and families in the high hazard sections of the city.

While the Board put a strong accent on the coordination of extant agencies and services, it also organized and funded direct services. This meant that it became a line organization as well as a coordinating agency. As of 1960 it had six divisions or departments dealing with city-wide planning and coordination, borough planning and coordination, research, child welfare, group work and recreation, and social and athletic clubs. Departments were assisted by Technical Advisory Committees and Ad Hoc Committees on special problems.

The Distinctiveness of the Youth Board

The distinctive innovations of the Youth Board, for which it is best known, are the detached worker program and the referral units. Detached workers are sent into hazard areas with roving assignments to more or less infiltrate gangs in various marginal roles, direct their actions away from violence and delinquency, and arrange services for individual delinquents and their families. Referral units are set up near schools in high risk areas, where they act as detection centers, locating youngsters from multiproblem families with the help of the schools, and referring them to agencies with whom contracts for treatment have been made. When families already are active cases with several welfare agencies, conferences are arranged whereby one assumes chief responsibility.

Evaluation

Although the New York State Youth Commission listed research as one of its proposed functions, no overall evaluation of its lusty offspring agency in New York City has been made. The best data available for evaluation consist of opinions of informed persons; these are mixtures of praise and fault finding. A very general commendation is that the Board does things which the city alone would never have supported; this has been put with a Chamber of Commerce kind of satisfaction in statements that "it gets things done." The Referral Units have been credited with devising new social work techniques in overcoming the resistance of hard core families and making referrals something more than routine transferring of cases to various agencies. The detached worker program has been generously praised and its supporters believe that it has been instrumental in decreasing incidents of gang violence. Finally, the development of a Juvenile Register and a Central Register of Multiproblem Families is credited with facilitating the direct treatment programs.

Among the less pleasant things said about the Youth Board is that it failed to delimit its goals and tended to spread like an oil slick over the whole field of child welfare. Some critics believe that by setting up direct services the Board works at cross purposes with its coordinating function. A related problem is that the Board's agency creations compete for funds with outside agencies or projects, thus complicating its funding purpose. Contracting for services with a variety of private agencies has a surface appeal but it makes control over such services almost impossible. An even more serious contention is that the Youth Board lacks an overall, consistent program or set of programs; the various projects have been products of crises rather than long-term planning, brought into being by pressures on City Hall. Once such projects have been established and funded, there is small possibility that they can be eliminated or cut back in keeping with a set of master purposes. A final organizational criticism is that work of the Board at the neighborhood level has been made ineffective simply by the sheer numbers and diversity of groups, which defy efforts to get unified action.

From a sociological point of view the most dismal commentary on the work of the Youth Board is its oversight or neglect of systematic evaluation, its failure to acquire feedback information on its own operations in order to allow realistic judgments of whether or not its development is in keeping with its goals. Despite the heavy investment in detached street work and the confidence in its success, no controlled studies have been made to demonstrate that decreased violence is a persistent trend attributable to the program. It is quite possible that any improvement may have followed from more effective law enforcement made possible at the expense of the program.

It seems fairly clear that the supportive activities of street workers stirred anxieties and dissatisfaction within the police department which ultimately had to be quieted by issuance of a Board statement of principles assuring minimal cooperation with law enforcement.[13] Insofar as these were followed, detached workers were coopted, being compelled to supply information which extended the surveillance, apprehension, and prosecution functions of law enforcement. It is left to speculate how "detached" such workers can continue to be, and also whether at times under police pressure they do not actually assist in the criminalization of youth.

Without some evidence to illuminate its workings, the sociologist studying deviance must look askance on the vaunted juvenile register of the Youth Board and wonder to what extent it serves law enforcement purposes which countervene the goals of delinquency prevention. Equally suspect is the registry of multiproblem families as a possible source of escalating stigma and processing youth into juvenile court control. The resistance of the families suggests that the moral significance of being "identified" was not lost upon them.

Hang-Loose Prevention—The Los Angeles Panoply

Someone has called Los Angeles a collection of suburbs in search of a community. Just so its youth organizations mirror the fragmentation and autonomy of life peculiar to the urban colossus below California's Tehachapi mountains. Unlike New York, it has no all-inclusive community organization that can be described as a formal pattern of delinquency prevention, although it has its share of segmental organizations which are structured in special ways. Unlike New York, Los Angeles has seen the proliferation of prevention organizations without State support; indeed, State organization of such services through the California Youth Authority has been simply one, not overly significant part of this growth. The fact that Los Angeles is practically a State within a State, but organized as a county, may account for its protean, unconnected youth organizations.

Los Angeles' unique pattern of delinquency prevention is also its oldest, going back to 1930, when its Chief Probation Officer introduced the then novel community coordinating council idea from Berkeley where it originated. These councils are made up of volunteer citizen groups and representatives of professional agencies. The Councils maintain Case Conference Committees whose members represent schools, police, welfare agencies, and other community groups. They take up cases of individual children with school problems or community difficulties, discuss them and refer them to some source of assistance. If gaps in services are turned up, they are reported to the respective Coordinating Council. Other Case Conference pursuits are foster home finding, arranging summer campships, and searching out youth employment opportunities. In 1934 an Executive Board was established for the various Coordinating Councils, and in 1946 they were joined into a Federation. Staff work for the Councils originally was provided by the County Probation Department, and more recently by the Department of Community Services.

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[13] *Reaching the Fighting Gang*, New York: New York City Youth Board, 1960, Appendix, pp. 255-258.

The notorious Zoot Suit riots of 1943 led to the organization of the Los Angeles Youth Project, composed of ten youth-serving agencies, which was administered under the Metropolitan Welfare Council. The same year the California Youth Authority opened a Los Angeles office mainly for delinquency prevention consultation. In 1944 a County Youth Committee was established made up of county departments with youth service functions. The year 1949 saw the birth of the Metropolitan Recreation and Youth Services Council, primarily to promote "recreation for everybody." Thus five major organizations with delinquency prevention as their purpose came into existence, somewhat like the Miracle Mile on Wilshire Boulevard, within the short period of five years. They have operated independently, and overlapping activities are by no means uncommon.[14]

Over a much longer time span the Los Angeles Police Department and the Sheriff's Department have carried on preventive work in the law enforcement manner. The Police Department through its Juvenile Bureau built up an elaborate referral system, but since revision of the State Juvenile Court Law in 1961 and the U.S. Supreme Court Gault decision, police interest in referrals has declined. The Sheriff Department's contribution to prevention work centers around maintenance of a Central Juvenile Index and a register of hard-core gangs. The Probation Department also has carried part of the burden of preventive work, mainly through its group program for street gangs.

Coordination

As might be expected among persons working among the dispersed youth organization of Los Angeles there has been a continuing concern with the problem of coordination. The job of doing something about it was ultimately assigned to the County Department of Community Services, which was established by law in 1955. This office gives staff assistance to the Los Angeles Youth Committee, the Federation of Coordinating Councils, local Coordinating Councils, and Case Conferences. It can make recommendations to these agencies or to the County Board of Supervisors or both, but in reality it is no more than advisory. While there is considerable planning and some coordination for delinquency prevention in Los Angeles, there is little that can be called centralized.[15]

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[14] Los Angeles and the New York City Youth Board, *op. cit.*, Chapter VIII.

Evaluation

Appraisal of organized efforts at delinquency prevention in Los Angeles is no more encouraging than for New York. Case Conferences apparently have been less than effective in following through cases to insure that some kind of assistance will be given; with passing time these groups have shifted more to pointing out needed services. Coordinating Councils do well in ironing out administrative problems of participating agencies on an ad hoc basis but their integrating function is questionable. Both Case Conferences and Coordinating Councils leave the impression of being bypassed by time; at best they are adapted to small communities where some degree of informality and interpersonal awareness still prevail.[16] Apart from these, Los Angeles schools carry on with identification and referral procedures, but they do not seem to be linked closely with other preventive activities.

Experience, in this instance backed by research, has caused disenchantment with gang group work and detached street worker operations. Research summarized by Klein on Los Angeles group guidance concludes that while there may be effective ways of diminishing delinquency through work with gangs, the methods currently in use have the opposite effects.[17] Los Angeles police agree, for they have taken a dim view of ministering to needs of adolescent gangs which are sources of law violations; they reserve their prerogative to move in when outbreaks of violence and crime by gang members demand it, using surveillance and the removal of gang leadership to reduce the problem.

On the surface, having relatively little centralized planning and top coordination seems to fault Los Angeles delinquency prevention in a large way, but this may be less of a handicap than it appears, for it may facilitate the demise of ill-suited organizations and make for swifter adaptations to changing situations. Coordination, at least in the accepted sense, may prove to be less significant for delinquency prevention than the introduction of particular kinds of programs and action into ongoing community processes. For example, toward the end of the 1960's the increase of juvenile court referrals in Los Angeles apparently levelled off very greatly. Yet the most plausible reason seemed to be an increase in advocacy by counsel rather than anything that could be claimed for community planning.[18]

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[15] *Ibid.*

[16] Paul Tappan, *Comparative Survey of Juvenile Delinquency,* Part I, North America, New York: United Nations, 1958, pp. 93-94.

[17] Malcolm Klein, Toward the reduction of gang delinquency. Paper given at California Youth Authority Conference, Santa Barbara, California, February 18, 1970.

Methods of Intervention

Leaving aside general ameliorative activities, including recreation, three methods of intervention on an organized community basis are referrals, aggressive social work, and street work with delinquent gangs. Organizing referrals is urged on the grounds that preventing delinquency essentially is a matter of locating children who have problems and getting them to the right welfare agency. But this line of reasoning has been challenged. Kahn, for example, has shown that a large percentage of children who become delinquent are in families already involved with one or more welfare agencies and have been so for some time. Hence the problem resides at the agency level quite as much as in the lack of connective apparatus among the agencies.[19]

Among the several difficulties with referrals is the fact that they are often carried out by "shopping around" by telephone or letter. The lack of accountability to a central supervising agency leads to a variety of problems including failure to respond to legitimate requests for help and the concealment of the availability of services. Agency charters or legal requirements frequently stand in the way of an agency's taking responsibility for cases, or may even cause agencies to work at cross purposes. "Early" cases somehow get lost, and those assigned via conferences receive little followup attention. According to Kahn, referrals often are made in a perfunctory way, and resources used with knowledge that no good will be accomplished—a failing he calls "community self-deception."[20] The missing ingredient is accountability; there is no feedback information on cases, an element which is essential to continued responsibility. Bureaucratization, professionalization, and functional specialization of contemporary welfare organization militate strongly against this end.

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[18] It is probably too soon to evaluate fully the impact which the considerable growth of new careers projects and self-help groups has had in promoting community absorption of drug abuse problems and other youth problems in Los Angeles. Tight property-tax revenues and demands made by the Probation Officers Union toward the end of the 1960's seem to have slowed their development and hampered their work. At the same time the organization of civil rights-oriented drug abuse self-help groups to challenge probation department and juvenile court decisions may have strengthened diversionary tendencies in the handling of youth problems. Information supplied by David Bisno, Deputy Director, Community Services Department, Los Angeles County.

[19] Alfred J. Kahn, *For Children in Trouble,* New York: Citizens Committee for Children of New York City, 1957; Gisela Konopka, Coordination of services as a means of delinquency prevention, *Annals of American Academy of Political and Social Science,* 1959, 332, 30-37; *Youth in the Ghetto,* New York: Harlem Youth Opportunities Unlimited Inc., 1964; *Juvenile Delinquency Prevention in the United States,* Washington, D. C.: U. S. Government Printing Office, 1965.

[20] Alfred J. Kahn, *op. cit.*

Street Gang Work

Thus far, evaluative studies of detached worker projects—in Boston, Chicago, and Los Angeles—have shown negligible results.[21] Klein's study of the data on the Los Angeles Group Guidance Project caused him to state positively that accepted methods, especially group programming, promote gang cohesiveness and thereby increase delinquency rates. The benign presence and intervention by detached workers, as already noted, give status recognition and importance to the gang, and assisting members with services helps to perpetuate it. According to Klein, an immediate step needed to reduce delinquency is to stop detached worker programs. In their place he advises methods for decreasing gang size by "peeling off" vulnerable or marginal members.[22]

Whether techniques for encouraging individuals to defect from gangs can be developed remains to be shown. A study of the counseling of 109 boys by street gang workers geared to their acceptance of values of holding a job, staying in school, and avoiding delinquent peers disclosed initial success, i.e., the boys readily accepted help, and were "easy to reach." However, there was much backsliding and a "near success" pile-up at the point where the boys had to solidify their new values by taking independent action. Failures were interpreted as the results of the reciprocal reinforcement of an accommodative pattern, something like *folie a deux*.[23]

A more realistic perspective of the relation of gang work to delinquency prevention is needed. Dramatization of gang violence in news media, extensive theorizing about gang delinquency by social scientists, and the quasi-romantic appeal of detached worker programs have distorted the importance of juvenile gangs in the total delinquency problem. Not all gangs are delinquent, and those which are, violate laws only part of the time. Outside of very large cities gang delinquency at most is a minor police problem. Consequently, even if detached worker programs were a resounding success, they would affect only a small portion of delinquency.

Aggressive Social Work

Reference already has been made in Chapter III to the crisis in social work and alienation of social workers from the poor. The latter took place during the Depression when private agencies of necessity transferred most of their poor clients to public relief agencies. Private agencies began to cater more and more to middle class clients who were responsive to psychotherapeutic casework methods; motivation to accept this kind of help became an important criterion for the selection of cases. This shift, of course, meant that hostile, lower class problem youths or delinquents were deemed unsuitable for casework help.[24]

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[21] Walter Miller, The impact of a 'total community' delinquency control project, *Social Problems*, 1962, 10, 168-191; Frank Carney, Comments on youth gangs, in *The People vs. the System: A Dialogue in Urban Conflict*, Chicago: Acme Press, 1968, pp. 352-353.

[22] Malcolm Klein, Gang cohesiveness, delinquency and a street work program, *Journal of Research in Crime and Delinquency*, 1969, (in press).

[23] Nathan Caplan, Treatment intervention and reciprocal interaction effects, *Journal of Social Issues*, 1968, 24, 63-88.

In the 1950's a new appreciation that social workers often were not serving persons most in need of their help led to a conception of "outreaching" or aggressive social work. This conception was closely associated with the institution of early identification and referral programs in a number of larger cities. In New York it was part of the program for discovering and treating the multiproblem families.

Besides seeking out uncooperative subjects with problems, aggressive social work departs from conventional casework by directness in dealing with families, invoking authority if necessary, changing the immediate environment, trying to get more flexible responses from other agencies, and to some extent playing an "advocate" role for clients. At the same time responsibility is accepted for the coordination of services to families.[25]

This newer kind of social work obviously takes some doing; much time and ingenuity is needed to get through the formidable psychic barriers and apathy of people chosen for help. Assessment of its results is complicated by the absence of a well-developed methodology to measure the effects of social work in general. However, there is some partial evidence to show that multiproblem family social work does or can bring about improvement.[26] Unfortunately there is no way of determining whether more specific improvements include a lessening of delinquency. This may well reflect the tendency for projects which start off with delinquency prevention as their object to turn into a diffuse kind of remedial work.

Deviance sociology perforce raises the issue of the moral structure of aggressive social work. While its ideology partially moves the onus of social failure from individuals to the environment, its methods for selecting its clientele preserve most of the implications of older social work. Terms applied to families, such as "inadequate," "hard to reach," "hard core," and "unmotivated" take on unmistakable moral overtones. At best the tactics of aggressive social work are an invasion of privacy; at worst they amplify the visibility of family problems and multiply the numbers of children who are candidates for official deviance labels. While this kind of intervening treatment need not be rejected out of hand on these grounds, it has to be conceded that its costs in terms of time, money, and risks of degradation are readily apparent whereas its benefits have to be inferred from isolated case success or taken on ideological faith.

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[24] Richard Cloward and Irwin Epstein, Private social welfare's disengagement from the poor: The case of family adjustment agencies, in *Community Action Against Poverty*, George Brager and Francis Purcell, eds., New Haven, Connecticut: College and University Press, 1967, pp. 40-63.

[25] See George Brager and Francis Purcell, *op. cit.*; Ludwig Geismar and Jane Krisberg, *The Forgotten Neighborhood*, Metuchen, New Jersey: The Scarecrow Press, 1967.

[26] Ludwig Geismar and Jane Krisberg, *op. cit.*, Chapter 15.

Community Action Models

Community action models for preventing delinquency break sharply from traditional community organization techniques of social work origin, but at the same time they have affinities with older social amelioration movements. Their reliance on indigenous leadership also gives them kinship with cultural growth models. Community action is distinguished by the insistence that the causes of delinquency are many, all interrelated, and that they need broad based action to be removed. But its most striking difference is the willingness to substitute conflict tactics for accommodation and cooperation which are trade marks of traditional community organization. Such tactics are a logical outgrowth of a view that community institutions have grown rigid, bureaucratized, and unresponsive, and that their official agents no longer listen to the very real complaints of the poor, or if they do listen, it is only to anticipate and forestall any constructive changes.

One well-known version of community action is Alinsky's conception of bringing to life People's Organizations, whose participants will solve their problems in their own way without entangling dependence upon professional welfare agencies. Organizing workers, raising wages, increasing job opportunities, pressuring landlords to lower rents or to make repairs, and closing gambling houses reflect something of the range of community actions in the Alinsky manner. Such action inevitably becomes political, looses power struggles, and provokes confrontations. Opposition is treated as an obstacle to be overcome with inventive tactics carefully attuned to the cultural background of the community.[27]

Models and the Money Tree

Trends in the past two decades have moved more and more responsibility for delinquency prevention upward to the State level, thence to the level of the Federal Government. Associated with this trend is the thought that the government should strive to promote coordination in the confused conglomerate of local agencies and also to stimulate innovations in treatment methods. Congressionally established offices, bureaus, institutes, and departments have sought this end with grants of funds and consultation service to existing agencies, ad hoc organizations, and individuals. Grants often have been broadly permissive, but usually they have required some kind of evaluation to be made. The demonstration project, beloved in agriculture and long used by foundations, has been especially favored.

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[27] Saul Alinsky, *Reveille For Radicals, op. cit.*

These developments were made possible by a series of enabling acts by Congress, beginning with the administration of President Kennedy and continuing to the present. They were given a strong impetus by the rediscovery of poverty and by a mounting crime problem. Many if not most of the projects under Federal sponsorship have revolved around efforts to diminish delinquency through improving economic and educational opportunities. More recently delinquency prevention projects have been influenced by the national concern with "crime in the streets" and "law and order." The outpouring of projects from Federal agencies(and private foundations) is too great to attempt to summarize their nature, other than to say that community action, resident participation, self help, paraprofessionalism, neighborhood focus, and pecuniary incentives have figured large in their conceptions and organization.[28]

Mobilization for Youth has been by far the most ambitious and richly funded of all such projects. It was jointly sponsored in 1961 by the President's Committee on Juvenile Delinquency and Youth Crime, the National Institute of Mental Health, the City of New York, and the Ford Foundation. People from local welfare agencies, city departments, and Columbia University were appointed to the controlling board, and its plan laid out five program areas: work training, education, group work and community organization, services to individuals and families. and training and personnel. Its original charter was to combat juvenile delinquency and provide opportunities on the Lower East Side of New York. Beginning as a coordinating enterprise along traditional lines with a strategy of psychological remediation, under Federal influence the project soon shifted to "opportunity theory," giving major priority to the reduction of poverty by means of "community development."

The evolving strategy of MFY became one of institutional change. Agency collaboration was sought through the bait of demonstration funds; once enlisted they were pressured through negotiation and persuasion to give their sponsorship to various projects. Since opportunity theory turned the play to public institutions, power conflict soon reared its knobby head. Restive staff people became disillusioned with negotiation and persuasion and changed their tactics to organized criticism and protest. Political attacks on the project were not long in forthcoming.[29]

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[28] *Juvenile Delinquency Prevention in the United States*, 1965, Health, Education, and Welfare, U. S. Children's Bureau.

[29] Frances Piven, The demonstration project: A Federal strategy for local change, in George Brager and Francis Purcell, *op. cit.*, Chapter 5.

Evaluation

The objective of community action—social amelioration—has been criticized as being too generalized and too diffuse to make appreciable inroads on the incidence and rates of delinquency. Delinquency prevention was only one of the many goals of people's organization, and MFY turned out to be more of an attack on poverty than on delinquency. Detailed assessments of the multifarious enterprises fostered by community action are unlikely to be made, and if they were, results could not be expected to shed much light on delinquency prevention.

The people's organization school has no real theory of how to prevent delinquency, other than that as one of many social problems; it must be done by liberating the democratic potentialities of the poor and converting them into a fighting force. The "opportunity theory" of deviance which became the rallying cry of MFY is just that and nothing more. It has not been verified by empirical sociology and its original speculative source in Merton's writings has been severely criticized.[30]

The most enlightening issue raised by community action is the question of who shall initiate projects and programs of delinquency prevention. People's organizations apparently must be generated by outside agitators who are something like roving apostles of Jeffersonian democracy. Just how society is to come by a supply of these with the stamp of Alinsky's genius is not clear. One suspects that the solution to this problem would be institutional—one very likely to leach out the charisma in Alinsky's leadership.

Community action under Federal auspices has some schizophrenic aspects in that tax monies are being made available to selected groups to attack or destroy the values of other groups. However, the picture is inconsistent. Under MFY the impression is left that the project was less of a local product sparked by the government than it was the creation of an inner coterie of Federal scheme-makers who promoted their ideas through the Project staff. In contrast to this the projects spawned under the Economic Opportunity Act at a later date were conceived and administered with such loose controls that the goals of the legislation were quickly subverted. Funds went to benefit persons other than those most needing them, or their use was preempted by local political leaders.

A persistent dilemma of community organization, whether for delinquency prevention or other purposes, is the relative weight to be given formal organization and that to primary groups. It is a sociological truism that behavior change best occurs in a context of intimate, personalized relationships; yet how to bring this about on a large scale presents complicated problems of collating formal organizations in which expertise is necessary. An excess of formalized, specialized organization stifles initiative at the local or primary group level, but weak development of this higher structure invites displacement of goals or makes for confusion and uncoordinated efforts. A golden mean solution to the dilemma is to develop forms of organization which put social distance between formal and local primary group organization, thus retaining expertise and broad applicability on the one hand and adaptive speed and flexibility on the other.[31]

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[30] See *Anomie and Deviant Behavior*, Marshall Clinard, ed., Glencoe, Illinois: Free Press, 1967.

The funding of demonstration projects in community delinquency prevention does not in itself supply a method by which new patterns will be taken over and locally integrated. Farmers may do this merely from seeing that the corn in the demonstration plot is taller or produces more than their own. Not so innovations in human organization, particularly when they fall outside of areas, such as commerce, where accountability is possible. The weak state of implementation methods is clearly evidenced by the ephemeral character of delinquency prevention programs and their failure to crystallize into stable institutional structures.

Although the swift pace of social change and recurrent crises are conducive to instant or packaged solutions to problems, it may be necessary to depend on slower processes of cultural growth to secure organized means appropriate to the delicate problems of socializing children and maturing youth past their transitional years. This needs doing under the aegis of a durable institutional pattern supported by a morality which maintains child and youth welfare in a dominant position in the value hierarchies of community groups. This does not imply or demand consensus, nor even community wide participation; it does, however, require the clarification and articulation of the interests of all who have a stake in the reduction of delinquency.

Conclusion

This chapter concludes with a pessimistic view of community organization for delinquency prevention. The conception that coordination of a number of welfare agencies will reduce delinquency readily captures the public imagination, but on closer examination it loses much of its appeal. Agencies somehow don't coordinate, or their coordination is formal and inconstant; goals of delinquency prevention projects become diffused or distorted by those of the more powerful groups in the community. The community organization ideal has spurious qualities of outmoded, pristine rural or small town democracy, and assumes that bringing representatives of organizations together around a table somehow will cause them to renounce their differences of interest and to forge common new values. If Alinsky did nothing else he has shown that far more than this is necessary.

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[31] Eugene Litwak and Henry Meyer, A balance theory of coordination between bureaucratic organizations and community primary groups, in *Behavior Science for Social Workers*, Edwin J. Thomas, ed., New York: The Free Press, 1967, Chapter 19.

The truly fatal flaw in community organization planned for delinquency prevention is vagueness of purpose. It is painfully obvious that delinquency prevention in the great majority of instances has no objective referents, and in operational terms it embraces an aggregate of pragmatic, empirical, improvised, and freely copied activities ranging from baby sitting to the latest fads in psychotherapy. Most of the attempts at carefully designed and controlled experiments in prevention start with some kind of predictions, which, as has been shown, tend to be inconsistent and overpredict delinquency. The final dismal note is that to date all such programs, large or small, with minor exceptions, have shown negative results.[32]

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[32] William Berleman and Thomas Steinburn, *Delinquency Prevention Experiments: A Reappraisal*, Seattle, Washington: Seattle Atlantic Street Center, 1968.

Chapter VI. Conclusion

The conception of delinquency prevention, being ill conceived and devoid of demonstrable results, should be abandoned. Categorically different ways of perceiving delinquency need to be found, ways which give prominence to the definitional processes, and to the ramified consequences of the policy and actions of those agencies which feed cases into the juvenile justice system. An operational perspective is needed to replace that of treatment and reform. It must be effectively seen that all children engage in deviance, and that they become deviants through contingencies, complaints, and decisions of human beings with some authority. The things which have been called delinquency are with a small exceptionable portion normal problems of socialization, and should be so conceived. From such a view, all children are delinquency prone and at the same time none are, hence such invidious terms are bereft of their meaning and should be discarded. This is not to insist that children's serious problems should be ignored, but rather that they meet objective criteria in order to make youths candidates for the official justice system. Decisions to do so should be made by balancing the total costs of defining and officially processing a youth as delinquent against those of diverting him elsewhere, or indeed, of taking no action at all. Finally, since a policy of this kind may excite negative opinion there need to be ways of making off-balance decisions in juvenile justice palatable to the community.

Control Instead of Prevention

The control of delinquency in contradistinction to its prevention can be achieved in good part by policy changes and legislation. If forms of delinquency have been defined into existence they can be defined and administered out of existence by those with power to do so. Delinquencies most obviously calling for legislative annihilation are special classes of children's crimes already discussed in the first chapter. Statutes need changing in such a way that specified procedures rather than substantive statements make it difficult, costly, or impossible to process truants, runaways, incorrigibles, and "moral danger" cases from police departments or other sources to juvenile courts. Legislative consideration should be given to statutes enjoining police and juvenile courts to find that no alternatives to juvenile court dispositions are available for all law violations short of serious felonies or dangerous disturbances of public order, before making referrals to juvenile court or filing petitions.

What Manner of Diversion Agency?

Ideally the diversion of minors from juvenile court will become a state of mind, an unquestioned moral position held by all child and youth welfare organizations, considered as a good in itself rather than a means to an end. Problems will be absorbed informally into the community, or if they are deemed sufficiently serious they will be funneled into some type of diversion institution, staffed and organized to cope with problems on their own terms rather than as antecedents to delinquency. This means that solutions to problems will recognize the cultural specificity of deviance and its symbolic meaning to the child and others. If a problem centers around running away, the associated sequence of events should be structured whenever possible to avoid police intervention. The youth should have some place to runaway to—a "pad," such as found in some of our larger cities, or a hostel where all are accepted without presumption—pending reestablishment of relations with parents. If disobediance or incorrigibility is seen most frequently as an expression of intergenerational conflict, it should be handled by accommodative adjustments rather than by allegations, diagnoses, or findings. Thus far no agencies explicitly organized with the diversionary conception in mind have materialized, although a number of experimental arrangements, such as "hot lines" for adolescents with problems, point to the requisite kind of rapid, flexible response to urban conditions.

The Youth Services Bureau

The President's Commission on Law Enforcement and the Administration of Justice (1967) in its general report and task force report on juvenile delinquency stated that the goal of the pre-judicial process in dealing with juveniles should be diversion:

> . . . a great deal of juvenile misbehavior should be dealt with through alternatives to adjudication, in accordance with an explicit policy to divert juvenile offenders away from formal adjudication and to nonjudicial institutions for guidance and other services.[1]

Unfortunately the recommendations and discussion failed to maintain a sharp distinction between diversion in the sense in which some Commission members conceived the term and prevention as more conventionally held by other members. Whatever special meaning diversion may have had was blurred or lost sight of in the diffuse discussion of pre-judicial processing in which it appeared. However, it does seem clear that the recommendation for the establishment of the Youth Services Bureau was the Commission's more important contribution to implementing a policy of diversion.

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[1] *Task Force Report: Juvenile Delinquency and Youth Crime*, President's Commission on Law Enforcement and Administration of Justice, Washington, D.C.: U.S. Government Printing Office, 1967, p. 16; also *The Challenge of Crime in a Free Society*, *op cit.*, p. 83.

These were proposed to be local agencies, or part of neighborhood centers, supplying a broad range of services for "trouble-making" youth, referred to them by police, probation departments, schools, and community agencies, or brought in by parents. Suggested services included counseling, foster home placements, work assignments, and special education; such services were to be obtained gratis from community agencies, or by contract if necessary. The recommendations for the Bureaus stressed the need to "work out plans" for the rehabilitation of troubled minors through their voluntary participation and that of parents. No detailed means were given for solving the problems of agency coordination but the Bureau staff would be required to observe the principle of accountability in its interagency contacts.

It is both premature and unfair to criticize Youth Service Bureaus too harshly before they have a chance to become fully organized and prove themselves in practice. However, probing questions already have been raised about their sources of authority, means of support, professional tone, and their relationships to existing agencies working in the same field of endeavor.[2] The ubiquitous risk is that such Bureaus will become just one more community agency following popular or fashionable trends in youth work, muddying the waters a little more and falling into obscurity. Much depends on the way in which States and localities see the possibilities of the enabling legislation.

California's labors so far suggest that something less than stark innovation characterizes planning for its Bureaus. The State legislation funding four pilot projects in 1969 begins with some tired prescriptions to the effect that delinquency prevention and coordination are to be their main business:

> The Legislature hereby finds that all delinquency prevention efforts must be concentrated at the local level to be meaningful and effective, and that while sufficient services and resources already exist in most California communties to wage a highly effective battle against delinquency, such services and resources are badly in need of coordination.[3]

An aura of consistency is given to this high-level policy statement by instructing that directors of Youth Services Bureaus be called coordinators, and that they be appointed by Delinquency Prevention Committees in the counties selected for projects.

It is hard to escape the impression of old ideas being recycled when looking at the organizational pattern of some of the Bureaus. The Board of Managers of one Bureau in Los Angeles consists mainly of representatives from judicial and correctional agencies, from law enforcement, together with officials from various city and county departments. On paper, at least, this looks stangely like a local coordinating council, or a suburban offshoot of the Los Angeles Youth Committee. Just how significantly new departures will emerge in Bureaus heavily dominated by spokesmen for formal authorities bound to conventional procedures is far from clear.[4]

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[2] Margaret Rosenheim, Youth Services Bureaus: A concept in search of definition, *Juvenile Court Judges Journal*, 1969, XX, 69-74.

[3] California Welfare and Institutions Code, Chapter 9, 1900, Youth Services Bureaus.

Is There a Better Idea?

Social scientists probably are at their best as institutional critics; they are more likely to know what does not work and what is unlikely to work, than what will. When social invention is essayed, their productions are no less apt to be follies than those of others who struggle to solve the riddles of human problems. Hence it is with a proper measure of humility advised by what has or has not been learned from materials examined in this volume that the following are proposed as minimal considerations for the construction of a diversion model:

1. Diversion should be closely articulated with the workings of the juvenile justice system because that's what it is about.
2. Police should become the chief source of referrals to diversion agencies because that's where most official processing starts.
3. There should be positive gains to police from their making referrals.
4. Diversion agencies in large cities probably are best located near schools but not in them.
5. Serious truancy and cases of aggravated disciplinary problems should be referred routinely to diversion agencies. No school should be allowed to dismiss or suspend a child without finding that provision has been made for his continuing education or employment.
6. In unfit home cases, absence of home care, incorrigibility complaints by parents or school authorities, and moral danger cases, the police, sheriff's departments, district attorneys, and probation departments should be compelled to find that no agency exists or none is willing to accept the cases before referring them to juvenile court or filing petitions.
7. Diversion agencies should reserve the right to reject cases but should not refer cases to the police or juvenile court.

Stated in more positive terms the purpose of a diversion agency should be to preempt problems which otherwise would enter the juvenile justice system. Its purpose should *not* be case finding; nor should it be the coordination of services. Rather it should be problem solving, conflict resolution, or the provision of services germane to the specific nature of the deviance and the imminence of official action. Special attention should be given to "making the victim whole" or satisfying complainants that "something is being done" about the problem. Mediation, arbitration, and restitution should be freely used. Finally, public relations techniques are recommended to dissipate spurious moral indignation which often complicates nonofficial handling of delinquency.

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[4] Bassett Youth Service Bureau, June 30, 1969, Six Months Progress Report, Los Angeles, California; *Youth Services Bureaus*, A First Year Report to the California Legislature, 1970, Department of the Youth Authority, Sacramento, California; William Underwood, California's Youth Services Bureaus, *California Youth Authority Quarterly*, 1969, 22, 27-33.

Much of what has been suggested here pertains to jurisdictional matters and procedures and neglects to say what kind of an organization design is necessary for diversion. Yet this is a logical consequence of the kinds of questions asked throughout this monograph: what kinds of problems of children and youth should be officially recognized and what happens when they are. These are operational questions, not questions as to what can be done for or to minors. Therefore the form of diversion agencies may not be too important so long as they are operationally oriented.

It may be most profitable to conceive of diversion as an integral part of a system—in this case, of the juvenile justice system. This poses a question as to what the juvenile justice system is and how cases flow into and out of it. Some believe that it can be defined by research:

> . . . there is need for a large scale program of action research involving personnel at all levels focusing on connections between agencies, developing common information sources and data banks, predicting and testing ultimate goal oriented changes in each component as it affects the others.[5]

There are others who are less sanguine about the possibilities of "systems research" or who believe it is a snare or delusion. The debate is unsettled.

Meanwhile, it seems safest to hold that diversion of children and youth from the official court system is a state of mind; once it is established as a predominant social value, the question of adaptation of means to the end should be more easily answered.

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[5] A. W. McEachern, A systems approach to juvenile delinquency, April 1969, Public Systems Research Institute, University of Southern California, manuscript.

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